

BOARD MEETING DATE: September 1, 2023

AGENDA NO. 18

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of June 1 through July 31, 2023.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

ft

Attached are the following three summaries: **June and July 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 June 1 to July 31, 2023.

Report of June 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. 6143-3 (K. Roberts)	203(b) 1150.1 1303(b)(1) 1301(b)(2) 3002(c)(1)	Relief sought from rules and permit conditions due to increased NMOC in landfill gas. Time for source test needed.	Not Opposed/Granted	IV granted commencing 6/15/23 and continuing for 90 days or until the RV hearing scheduled for 7/20/23, whichever comes first.	NMOC: 105 lbs/day
2. County of San Bernardino – Fleet Management Case No. 6070-10 (Consent Calendar)	203(b)	Emergency generators expected to exceed annual 200-hour operating limit due to power outage resulting from an unforeseen vehicle accident.	Not Opposed/Granted	RV granted commencing 6/1/23 and continuing through 12/31/23, the FCD.	CO: 0.19 lb/hr. NOx: 0.51 lb/hr. PM10: 0.03 lb/hr. RHC: 0.03 lb/hr. Sox: 0.001 lb/hr.
3. Equilon Enterprises, LLC Shell Oil Products U.S. Case No. 4982-134 (K. Manwaring)	203(b) 3002(c)(1)	Bladder Tank replacement needed. Modification of Title V needed for portable unit.	Not Opposed/Granted	SV granted commencing 7/17/23 and continuing through 10/14/23.	None
4. Estrella Media, Inc Case No. 6235-1 (M. Reichert)	203(b)	Due to unforeseen loss of power, Diesel ICE deployed to maintain community emergency broadcasting.	Not Opposed/Granted	RV granted commencing 6/14/23 and continuing through 12/31/23, the FCD.	NOx: 12 g/BHP-hr. CO: 8.5 g/BHP-hr. PM: 0.38 g/BHP-hr.

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. Los Angeles Department of Water and Power, Haynes Generating Station Case No. 1263-76 (Consent Calendar)	203(b) 218(b)(2) 218.1(b)(4)(c) 2004(f)(1) 3002(c)(1)	Due to delayed repairs of Haynes #15 unit, additional time needed for installation, reassembly and testing.	Not Opposed/Granted	MFCD/EXT granted commencing 7/1/23 and continuing through 9/30/23, the FCD.	None
6. Los Angeles Department of Water and Power, Haynes Generating Station Case No. 1263-78 (Consent Calendar)	203(b) 218(b)(2) 218.1(b)(4)(c) 2004(f)(1) 3002(c)(1)	Due to Supercore catastrophic failure and both spare replacements damaged, time for additional repairs needed.	Not Opposed/Granted	RV granted commencing 7/1/23 and continuing through 6/30/24, the FCD.	None
7. South Coast AQMD vs. City of Fontana Case No. 5704-2 (Consent Calendar)	1196	Respondent is operating 9 non-compliant Heavy-Duty vehicles. Replacements will be purchased, or leased and/or Technical Feasibility Certificate	Stipulated/Modified	Mod. O/A granted commencing 6/21/23 and continuing through 7/31/27. The Hearing Board shall retain jurisdiction over this matter until 7/31/27.	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. Los Angeles City, Sanitation Bureau, Hyperion Treatment Plant Case No. 1212-39 (E. Chavez & M. Reichert)	3002(c)(1)	Respondent requested modifications to the Order to address compliance concerns with flares.	Stipulated/Modified	Mod. O/A issued commencing 6/1/23. The Hearing Board shall retain jurisdiction over this matter until and including 30 days after FCD achieved.	N/A
9. South Coast AQMD vs. Los Angeles City, Sanitation Bureau, Hyperion Treatment Plant Case No. 1212-40 (E. Chavez & R. Mansell)	402	Inability to contain sewage odors and inability to conduct operations at wastewater treatment plant without being in violation of rule.	Stipulated/Modified	Mod. O/A issued 6/20/23 and continued to 1/31/24. The Hearing Board shall retain jurisdiction over this matter until 1/31/24.	N/A
10. Verizon Wireless -Magic Mountain Peak Case No. 6063-2 (E. Chavez)	203(b)	ICE deployed due to severe weather conditions and unforeseen loss of power from Southern California Edison (SCE). Petitioner exceeded additional time needed for limit of 200 hours.	Not Opposed/Granted	RV granted commencing 6/14/23 and continuing through 12/31/23, the FCD.	NOx: 25.68 lbs/day CO: 5.76 lbs/day VOC: 2.4 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
11. Verizon Wireless -San Sevaine Case No. 6139-5 (E. Chavez)	203(b)	ICE deployed due to severe weather conditions and unforeseen loss of power from SCE. Petitioner exceeded additional time needed for limit of 200 hours.	Not Opposed/Granted	RV granted commencing 6/14/23 and continuing through 12/31/23, the FCD.	NOx: 10.47 lbs/day CO: 13.96 lbs/day VOC: 10.47 lbs/day
12. Verizon Wireless – Santiago Peak Case No. 6139-6	203(b)	Emergency power began operating nonstop due to an unforeseen accident that resulted in loss of commercial power. Relief sought due to the potential to exceed 200 hours of operation before IV can be requested.	Not Opposed/Granted	Ex Parte EV granted commencing 6/6/23 and continuing for 30 days or until the RV hearing scheduled for 7/20/23, whichever comes first.	NOx: 5.95 lbs/day CO: 7.93 lbs/day VOC: 5.95 lbs/day

Acronyms

CO: Carbon Monoxide

EXT: Extension

FCD: Final Compliance Date

g/BHP-hr: grams per brake horsepower-hour

IV: Interim Variance

MFCD: Modification Final Compliance Date

Mod: Modification

N/A: Not Applicable

NMOC: Non-Methane Organic Compounds

NOx: Oxides of Nitrogen

O/A – Order for Abatement

PM: Particulate Matter

RV: Regular Variance

SV: Short Variance

VOC: Volatile Organic Compound

Report of July 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. California Steel Industries, Inc. Case No. 4624-23 (E. Chavez)	203(b) 1146(c)(1) 1146(e)(1) 2004(f)(1) 3002(c)(1)	Sought relief to operate its #2 Boiler while implementing solutions to achieve standards for boiler operation.	Not Opposed/Granted	RV granted commencing 7/6/23 and continuing through 12/29/23, the FCD.	NOx: 1.40 lbs./day
2. Fuel Zone, Inc Case No. 6238-1 (K. Roberts)	203(b)	Approval of administrative change was needed and submitted to increase maximum allowable throughput.	Opposed/Denied	RV denied	N/A
3. South Coast AQMD vs. Flexfirm Holdings LLC Case No. 6239-1 (M. Reichert)	203(b) 402 1128 1147 H&S §41700	Numerous nuisance odor complaints resulted in Notices of Violation. Source tests not done since 2018.	Stipulated/Issued	O/A issued commencing 7/25/23 and continuing through 5/31/24.	N/A
4. South Coast AQMD vs. Fuel Zone, Inc. Case No. 6238-2 (K. Roberts & J. Jones)	203(b)	Limiting throughput, recording daily and monthly throughput reports and locking two dispensers.	Stipulated/Issued	O/A issued commencing 7/27/23 and continuing through 1/31/24. The Hearing Board shall retain jurisdiction over this matter until 1/31/24 or until a modified permit to operate is issued, whichever occurs first.	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
5. South Coast AQMD vs. Los Angeles County, Metropolitan Transportation Authority (MTA) Case No. 5874-2 (Consent Calendar)	1196(d)(1)	Operation of non-compliant heavy duty vehicles, More time needed to issue bid request and procure compliant vehicles.	Stipulated/Modified	Mod. O/A issued commencing 7/27/23 and continuing through 7/31/26.	N/A
6. South Coast AQMD vs. Southern California Edison (SCE), Pebbly Beach Generating Station Case No. 1262-115 (M. Reichert)	1470(c)(4)(A)	Both parties agreed to allow Unit 15 to operate due to lowest emissions possible even though it cannot meet NOx and CO limits.	Stipulated/Modified	Mod. O/A issued commencing 7/25/23 and continuing through 3/31/26.	N/A

Acronyms

- CO: Carbon Monoxide
- FCD: Final Compliance Date
- Mod: Modification
- N/A: Not Applicable
- NOx: Oxides of Nitrogen
- O/A: Order for Abatement
- RV: Regular 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
203(b)	2	7	16	4	7	9	4						49
218(b)(2)			1			2							3
218.1(b)(4)(C)			1			2							3
402	1					1	1						3
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
1176(e)(1)					1								1
1176(e)(2)					1								1
1178(d)(3)(D)		1											1
1196					1								1
1196(d)(1)						1	1						2
1303(b)(1)						1							1
1302(b)(2)						1							1
1470(c)(4)(A)	1						1						2
2004(f)(1)		4	3	1	1	2	1						12
2012(d)(2)		1											1
3002(c)(1)		5	3	1	4	5	1						19
CA H&S Code 41700							1						1