

BOARD MEETING DATE: March 6, 2026

AGENDA NO. 10

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of January 1 through January 31, 2026.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Micah Ali
Hearing Board Chair

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Attached are the following summaries: **January 2026 Hearing Board Cases**, and **Rules From Which Variances and Orders for Abatement Were Requested from January 1, 2026 through January 31, 2026**. A **Rule Index** with the applicable South Coast AQMD Rules and Regulations through **January 2026** is also attached.

There was one appeal filed during the period of January 1, 2026 to January 31, 2026.

Report of January 2026 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. Bon Appetit Bakery Case No. 6280-1 (Consent Calendar)	203(b) 1153.1	Additional time requested to repair unexpected issues encountered with burners in two new commercial ovens and conduct source test.	Not Opposed/Granted	RV granted, commencing 01/21/2026 and continuing through 10/23/2026.	Oven 1: NOx: 15.84 lbs/day Oven 2: NOx: 21.12 lbs/day
2. County of San Bernardino – Fleet Management Case No. 6070-15 (M. Reichert)	203(b)	Emergency generator nearing the 200-hour annual permitted limit due to a power outage.	Not Opposed/Granted	Ex Parte EV granted, commencing 01/09/2026 and continuing for 30 days or until the IV hearing scheduled for 02/03/2026, whichever comes first.	TBD by 03/03/2026
3. Kinsbursky Brothers, Inc Case No. 6122-2 (Consent Calendar)	203(b) 1420	Allow time to accommodate delays needed to complete retest of the fugitive emission filtration system and to obtain results that validly demonstrate compliance, due to issues with the initial source testing.	Not Opposed/Granted	IV granted, commencing 01/07/2026 and continuing for 90 days or until the RV hearing scheduled on 2/24/2026, whichever comes first.	None
4. South Coast AQMD vs. Chiquita Canyon, LLC Case No. 6177-4 (K. Roberts, M. Reichert & R. Mansell)	203 402 431.1 1150 3002 H&S §41700	Respondent sought a Subpoena Duces Tecum for disclosure of identifying information and filed a Motion requesting that the Hearing Board participate in landfill site visit.	Not Stipulated/Denied	The Board granted the South Coast AQMD's Motion to Quash the Request for Issuance of a Subpoena and denied, without prejudice, the Respondent's Motion for a Hearing Board Site Visit to the landfill.	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. Tesoro Refining and Marketing Company Case No. 4982-139 (Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	Due to performance issues resulting in elevated NOx emissions, time is needed to address maintenance activities involving the SCR unit that serves Boiler No. 12.	Not Opposed/Granted	IV granted, commencing 01/21/2026 and continuing for 90 days or until the RV hearing scheduled on 2/19/2026, whichever comes first.	TBD by 02/19/2026

Acronyms

- EV: Emergency Variance
- IV: Interim Variance
- Mod. O/A: Modified Order for Abatement
- N/A: Not Applicable
- RV: Regular Variance
- SCR: Selective Catalytic Reduction
- SV: Short Variance
- TBD: To Be Determined
- VOC: Volatile Organic Compounds

Rules from which Variances and Orders for Abatement were Requested in 2026

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
203	1												1
203(b)	4												4
402	1												1
431.1	1												1
1150	1												1
1153.1	1												1
1420	1												1
2004(f)(1)	1												1
3002	1												1
3002(c)(1)	1												1
CA H&S §41700	1												1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2026 HEARING BOARD CASES AS OF JANUARY 31, 2026**

REGULATION II – PERMITS

Rule 203 Permit to Operate

REGULATION IV - PROHIBITIONS

Rule 402 Nuisance

Rule 431.1 Sulfur Content of Gaseous Fuels

REGULATION XI – SOURCE SPECIFIC STANDARDS

Rule 1150 Excavation of Landfill Sites

Rule 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens

REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

Rule 1420 Emissions Standard for Lead

REGULATION XX – REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

Rule 2004 Requirements

REGULATION XXX – TITLE V PERMITS

Rule 3002 Requirements

CALIFORNIA HEALTH & SAFETY CODE

§41700 Prohibited Discharges