

BOARD MEETING DATE: November 6, 2020

AGENDA NO. 10

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2020.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

ft

Two summaries are attached: **September 2020 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2020**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of September 1 to September 30, 2020.

Report of September 2020 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. Chevron Products Company Case No. 831-392 (D. Hsu)	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 needs to perform necessary maintenance to clean and repair oil/water Separator No. 4.	Not Opposed/Granted	SV granted commencing 9/7/20 and continuing through 10/31/20, or until final compliance is achieved as specified in Condition No. 15, whichever occurs first.	VOC: Between 2.6 and 5.2 lbs/total for variance period
2. County of San Bernardino - Fleet Management Case No. 6070-5 (D. Hsu)	203(b)	Emergency generator is expected to exceed its permitted annual 200-hour operating limit to sustain power at the fire station due to power loss caused by El Dorado wildfire.	Not Opposed/Granted	Ex Parte EV granted commencing 9/15/20 and continuing for 30 days or until the IV hearing currently scheduled for 9/30/20, whichever comes first.	CO: TBD by 10/15/20 PM: TBD by 10/15/20 NOx: TBD by 10/15/20
3. County of San Bernardino - Fleet Management Case No. 6070-5 (S. Pruitt)	203(b)	Emergency generator exceeded its permitted annual 200-hour operating limit to sustain power at the fire station due to power loss caused by El Dorado wildfire.	Not Opposed/Granted	IV granted commencing 9/30/20 and continuing for 90 days or until the RV hearing scheduled for 11/4/20, whichever comes first.	CO: 0.19 lb/hr NOx: 0.77 lb/hr PM10: 0.03 lb/hr RHC: 0.02 lb/hr SOx: TBD by 11/4/20
4. Orange County Waste & Recycling, Olinda Alpha Case No. 5710-3 (D. Hsu)	1150(b)(2)	Law enforcement requested the excavation of a section of the landfill on an emergency basis as part of an ongoing investigation.	Not Opposed/Granted	Ex Parte EV granted commencing 9/18/20 and continuing for 30 days.	None
5. Phillips 66 Company Case No. 4900-108 (No Appearance; Consent Calendar)	1180(e)	Due to construction delays resulting from lockdown of crucial staff during COVID-19, additional time required to meet fence line monitoring deadline.	Not Opposed/Granted	MFCD/EXT granted commencing 9/15/20 and continuing through 10/15/20.	None

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. 6166-1 (K. Roberts)	2004(f)(1)	Due to unforeseen delays, Respondent expects to obtain the required City building permits by the end of October.	Stipulated/Issued	Mod. O/A issued commencing 9/10/20; the Hearing Board shall retain jurisdiction over this matter until 4/30/21.	N/A
7. Torrance Refining Company Case No. 6060-11 (K. Manwaring)	203(b) 2004(f)(1) 2011(c)(2)(A) 2011(c)(3)(A) 2011(e)(1) 2011(k), Table 2011-1 2011, Appendix A, Chapter 2, Table 2-A, 2011, Attachment C 2012(c)(2)(A) 2012(c)(3)(A) 2012(g)(1) 2012(m), Table 2012-1 2012, Appendix A, Chapter 2, Table 2-A 2012, Attachment C 3002(c)(1)	Petitioner requesting to disconnect and replace monitoring equipment to meet new specifications of RECLAIM Regulation XX.	Not Opposed/Granted	SV and AOC granted commencing 9/22/20 and continuing through 11/6/20, or until final compliance, whichever comes first.	None
8. Ultramar Inc., dba Valero Wilmington Refinery Case No. 3845-101 (B. Tomasovic)	203(b) 401(b)(1) 407(a) 2004(f)(1) 3002(c) H&S §41701	Variance required to restart the FCCU after an unforeseen pump seal failure.	Not Opposed/Granted	Ex Parte EV and AOC granted 9/11/20, commencing upon notification pursuant to Condition No.1 and continuing through 9/21/20, or when start-up of the equipment is completed, whichever occurs earlier.	CO: TBD by 10/30/20 SOx: TBD by 10/30/20 Opacity: TBD by 10/30/20

Acronyms

AOC: Alternative Operating Conditions
CO: Carbon Monoxide
EV: Emergency Variance
FCD: Final Compliance Date
FCCU: Fluid Catalytic Cracking Unit
H&S: Health and Safety Code
IV: Interim Variance
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable

NOx: Oxides of Nitrogen
PM: Particulate Matter
PM10: Particulate Matter ≤ 10 microns
RV: Regular Variance
SV: Short Variance
SOx: Oxides of Sulfur
TBD: To Be Determined
VOC: Volatile Organic Compounds

Rules from which Variances and Orders for Abatement were Requested in 2020

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
202		1											1
203(a)				1	1								2
203(b)	6	7	3	4	2		2		5				29
218(f)(3)			1										1
218.1(b)(4)(C)		2			1		1						4
40(b)(1)		1							1				2
402								1					1
407(a)		1						1	1				3
441				1									1
461				1									1
461(e)(2)(A)(i)							1						1
463(c)	1	1											2
463(c)(2)			1										1
463(e)(4)			1										1
464(b)(1)(A)									1				1
464(b)(2)									1				1
464(b)(3)									1				1
1121(c)(3)(A)				1									1
1147 (c)(2)					1								1
1148.1(d)(8)	1												1
1150(b)(2)									1				1
1173(d)(1)(B)	1												1
1176(e)(1)									1				1
1176(e)(2)									1				1
1176(e)(2)(A)		1											1
1178(d)(3)			1										1
1178(g)			1										1
1180(e)			2	1		1			1				5
1196							1						1
1196(d)(1)							1						1
1196(f)(8)(a)							1						1

1196(f)(10)							1						1
1430						1							1
2004(f)(1)	5	6	2	2	1		1		4				21
2011(c)(2)(A)		1					1		1				3
2011(c)(2)(B)		1					1						2
2011(c)(3)(A)							1		1				2
2011(e)(1)		1					1		1				3
2011(k) Table 2011-1									1				1
Chapter 2, Table 2-A									1				1
2011, Attachment C									1				1
2012(c)(2)(A)		1	1		1		1		1				5
2012(c)(2)(B)		1	1		1		1						4
2012(c)(3)(A)									1				1
2012(d)(2)	1				1								2
2012(g)(1)		1	1				1		1				4
2012(m), Table 2012-1									1				1
2012, Apendix A	1												1
2012, Appendix A, Chapter C h.		2											2
Chapter 2, Table 2-A									1				1
2012, Attachment C									1				1
3002(c)	1	1							1				3
3002(c)(1)	4	5	3	2	1		1		2				18
H&S 41700								1					1
H&S 41701		1							1				1

Rules from which Variances and Orders for Abatement were Requested in 2020														
2020	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Actions
109(c)(1)														0
202		1												1
202(a)														0
202(c)														0
203(a)				1										1
203(b)	6	7	3	4										20
218.1(b)(4)(C)		2												2
218(f)(3)			1											1
401(b)(1)		1												1
401(b)(1)(B)														0
405(a)														0
407														0
407(a)		1												1
415(d)(1)(B)(ii)														0
415(d)(1)(C)(ii)														0
415(e)(1)														0
415(e)(5)														0
415(e)(6)														0
441				1										1
461				1										1
461(c)(1)(A)														0
461(c)(2)(A)														0
461(c)(3)(P)														0
461(e)(5)														0
463(c)	1	1												2
463(c)(2)			1											1
463(c)(3)														0
463(e)(4)			1											1
463(f)(1)(C)														0
1110.2(d)(1)(F)														0
1110.2(d)(1)(L)														0
1110.2(h)														0
1110.2(i)(1)(B)														0
1110.2(i)(1)(J)														0
1111														0
1111(c)(4)														0
1121(c)(3)(A)				1										1
1146(c)(5)														0
1147														0
1147(c)(1)														0

Rules from which Variances and Orders for Abatement were Requested in 2020															
	2020	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Actions
1148.1(d)(8)		1													1
1150.1(d)(1)(C)(i)															0
1150.1(d)(8)															0
1150.1(d)(10)															0
1150.1(d)(11)															0
1150.1(d)(12)															0
1150.1(d)(14)															0
1150.1(d)(16)															0
1150.1(d)(20)															0
1150.1(e)(1)															0
1150.1(e)(2)															0
1150.1(e)(2)(B)															0
1150.1(e)(2)(C)															0
1150.1(e)(3)															0
1150.1(e)(3)(B)															0
1150.1(e)(3)(C)															0
1150.1(e)(4)															0
1150.1(e)(4)(A)															0
1150.1(e)(4)(B)															0
1150.1(e)(7)															0
1150.1(e)(7)(C)															0
1150.1(f)(1)(A)															0
1150.1(f)(1)(A)(iii)(l)															0
1150.1(f)(1)(B)															0
1150.1(f)(1)(C)															0
1150.1(f)(1)(E)															0
1150.1(f)(1)(G)															0
1150.1(f)(1)(L)															0
1150.1(f)(2)(A)															0
1158(d)(2)															0
1173(d)(1)(B)		1													1
1176(e)(2)(A)			1												1
1178(d)(3)				1											1
1178(g)				1											1
1178(h)(2)															0
1178(h)(4)															0
1180(e)				2	1										3
1196															0
1303															0
1303(a)															0
1303(b)															0
1303(b)(2)															0

Rules from which Variances and Orders for Abatement were Requested in 2020														
2020	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Actions
1402(g)(2)(C)														0
1420.2(g)(3)(B)														0
1430														0
1430(d)(8)														0
1430(e)(2)														0
1469(h)(4)(C)(i)														0
1470(c)(2)(C)(iv)(I)														0
2004(f)(1)	5	6	2	2										15
2011(c)(2)(A)			1											1
2011(c)(2)(B)			1											1
2011(e)(1)			1											1
2012, Apendix A	1													1
2012, Appendix A, Chapter C h.			2											2
2012(d)(2)	1													1
2012(c)(2)(A)			1	1										2
2012(c)(2)(B)			1	1										2
2012(g)(1)			1	1										2
2202(a)														0
2202(b)														0
2202(e)														0
2202(l)														0
3002(c)	1	1												2
3002(c)(1)	4	5	3	2										14
H&S 41701			1											1
H&S 41960.2														0

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2020 HEARING BOARD CASES AS OF SEPTEMBER 30, 2020**

REGULATION II – PERMITS

- Rule 202 Temporary Permit to Operate
- Rule 203 Permit to Operate
- Rule 218 Continuous Emissions 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 441 Research Operations
- Rule 461 Gasoline Transfer and Dispensing
- Rule 463 Organic Liquid Storage
- Rule 464 Wastewater Separators

REGULATION XI - SOURCE SPECIFIC STANDARDS

- Rule 1121 Control of Nitrogen Oxides (NOx) from Residential Type, Natural-Gas-Fired Water Heaters
- Rule 1147 NOx Reductions from Miscellaneous Sources
- Rule 1148.1 Oil and Gas Production Wells
- Rule 1150 Excavation of Landfill Sites
- Rule 1173 Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants
- Rule 1176 VOC Emissions from Wastewater Systems
- Rule 1178 Reductions VOC Emissions from Storage Tanks at Petroleum Facilities
- Rule 1180 Refinery Fenceline and Community Air Monitoring
- Rule 1196 Clean On-Road Heavy-Duty Public Fleet Vehicles

REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

- Rule 1430 Control of Emissions from Metal Grinding Operations at Metal Forging Facilities

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2020 HEARING BOARD CASES AS OF SEPTEMBER 30, 2020**

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

- Rule 2004 Requirements
- Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions
- Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions

REGULATION XXX - TITLE V PERMITS

- Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

- §41700 Prohibited Discharges
- §41701 Restricted Discharges