

BOARD MEETING DATE: September 3, 2021

AGENDA NO. 15

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of July 1 through July 31, 2021.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

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Two summaries are attached: **July 2021 Hearing Board Cases and Rules From Which Variances and Orders for Abatement Were Requested in 2021**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of July 1 to July 31, 2021.

Report of July 2021 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. Booster Fuels, Inc. Case No. 6171-3 (M. Reichert & B. Tomasovic)	N/A	Appellant seeks to add six on-demand mobile fueling vehicles under its Rule 441 R&D permit, and to amend permit three conditions.	Opposed/Denied	The Board denied the appeal.	N/A
2. County of San Bernardino – Fleet Management Case No. 6070-7 (K. Roberts)	203(b)	Emergency generator exceeded its permitted annual 200-hour operating limit due to power outage.	Not Opposed/Granted	IV granted commencing 7/8/21 and continuing for 90 days or until the RV hearing scheduled for 8/24/21, whichever occurs first.	CO: 0.19 lb/hour NOx: 0.51 lb/hour RHC: 0.03 lb/hour PM10:0.03 lb/hour SOx: 0.0001 lb/hour
3. Lunday-Thagard Company dba World Oil Refining Case No. 2033-33 (K. Roberts)	203(b) 2004(f)(1) 3002(c)(1)	Allow venting of storage tanks and wastewater system to an alternative device while flame scanner repair work is performed.	Not Opposed/Granted	SV granted for a period of one (1) week between 8/7/21 and 9/6/21.	VOC: TBD due 9/6/21
4. Northrop Grumman Systems Corporation Case No. 3534-16 (J. Lee & M. Reichert)	203(b) 1469.1 2004(f)(1) 3002(c)(1)	Emergency generators unable to meet variance Condition No. 13, as baseload device cannot readily change to 30 percent load.	Not Opposed/Granted	Modification granted commencing 7/21/21 and continuing through 10/12/21.	Chromium: 0.00017 lb/day
5. Phillips 66 Company Case No. 4900-113 (B. Tomasovic)	203(b) 2004(f)(1) 3002(c)(1)	Tank 3 exceeded its monthly volume throughput limit due to a process upset at the refinery.	Not Opposed/Granted	RV granted commencing 7/6/21 and continuing through 8/31/21.	VOC: 0.1 lb/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
6. South Coast AQMD vs. 365 Disposal & Recycling. Inc Case No. 6213-1 (K. Roberts)	203(a) 403(d)(1)(A) 403(d)(2) 403(d)(4) 1133(d)(2) 1133.1(d)(3) 1133.1(d)(4) 1133.1(e) 1403(b)(9), 1403(b)(10), 1403(b)(20) 1403(h)(2)	Violation of South Coast AQMD rules due to operation of unpermitted equipment, causing issuance of air contaminants.	Stipulated/Issued	O/A issued commencing 7/27/21 continuing through 7/1/22. The Hearing Board shall retain jurisdiction over this matter until 7/1/22.	N/A
7. South Coast AQMD vs. City of Rialto Case No. 6105-4 (D. Hsu)	431.1(c)(4) 431.1(d)(1) 431.1(d)(2) 431.1(d)(3) 431.1(g)(8)	Respondent in violation of South Coast AQMD Rule 431.1 and its Iron Sponge Permit.	Stipulated/Issued	O/A issued commencing 7/20/21 and continuing through 5/19/22. The Hearing Board shall retain jurisdiction over this matter until compliance with the terms of this Order is achieved.	N/A
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)	Status report and modification for replacement of heavy- duty vehicles to meet requirements of South Coast AQMD Rule 1196.	Stipulated/Issued	Mod. O/A issued commencing 7/7/21 and continuing through 1/31/24. The Hearing Board shall retain jurisdiction over this matter until 1/31/24.	N/A
9. South Coast AQMD vs. Hughes Bros. Aircrafter, Inc. Case No. 6037-2 (B. Tomasovic)	1420(h)(5)	Status Report	No Action	The Hearing Board received a status report; no action was taken.	N/A
10. South Coast AQMD vs. Los Angeles County Metropolitan Transportation Authority Case No. 5874-2 (K. Roberts)	1196(d)(1)	Respondent purchased 15 or more heavy-duty diesel vehicles after 7/2/2002 and did not obtain Technical Infeasibility Certification prior to purchase.	Stipulated/Issued	O/A issued commencing 7/29/21 and continuing through 7/31/26. The Hearing Board shall retain jurisdiction over this matter until 7/31/26.	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
11. South Coast AQMD vs. Ralphs Grocery Company Case No. 6166-1 (K. Roberts)	2004(f)(1)	Status report.	Stipulated/Issued	The Board modified the O/A to change the next status hearing to 8/26/21.	N/A
12. Verizon Wireless Case No. 6139-3 (M. Reichert)	203(b)	Emergency generator exceeded its permitted annual 200-hour operating limit due to power outage.	Opposed/Dismissed	IV dismissed without prejudice.	N/A

Acronyms

CO: Carbon Monoxide
H&S Code: Health and Safety Code
HEPA: High Efficiency Particulate Air
IV: Interim Variance
MFC/EXT: Modification of a Final Compliance Date and Extension of a Variance
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable
NOx: Oxides of Nitrogen
O/A: Order for Abatement
PM: Particulate Matter
R&D: Research & Development
RHC: Reactive HydroCarbon
RV: Regular Variance

Rules from which Variances and Orders for Abatement were Requested in 2021

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
202(c)						1							1
203(a)							1						1
203(b)	2	3	2	5	2	3	5						22
403(d)(1)(A)							1						1
403(d)(2)							1						1
403(d)(4)							1						1
415(d)(1)(C)(ii)						1							1
415(e)(1)						1							1
415(e)(5)						1							1
415(e)(6)						1							1
431.1(c)(4)							1						1
431.1(d)(1)							1						1
431.1(d)(2)							1						1
431.1(d)(3)							1						1
431.1(g)(8)							1						1
462(d)(1)				1									1
462(e)(1)(E)(i)(II)				1									1
1100(e)(1)(B)			2			1							3
1110.2(d)(1)(B)(ii)						1							1
1110.2(f)(1)(C)(ii)						1							1
1110.2(f)(1)(D)(iii)						1							1
1110.2(f)(1)(H)(i)						1							1
1133(d)(2)							1						1
1133.1(d)(3)							1						1
1133.1(d)(4)							1						1
1133.1(e)(1)							1						1
1146(c)(1)(I)			1										1
1146(c)(4)			1										1
1146(e)(4)			1										1
1147						1							1
1150.1(e)(1)		1											1
1153.1						1							1

Rules from which Variances and Orders for Abatement were Requested in 2021

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
1196(d)(2)(1)							1						1
1196(f)(8)(a)							1						1
1196(f)(10)							1						1
1403(b)(9)							1						1
1403(b)(10)							1						1
1403(b)(20)							1						1
1403(h)(2)							1						1
1420(h)(5)					1		1						2
1421	9	6											15
1469	1												1
1469.1(d)					1		1						2
2004(f)(1)		3	2	2	2		4						13
3002(c)(1)	1	3	1	3	2		3						13

REGULATION XX – REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

Rule 2004 Requirements

REGULATION XXX – TITLE V PERMITS

Rule 3002 Requirements