

BOARD MEETING DATE: February 5, 2021

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2020.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

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Two summaries are attached: **December 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 December 1 to December 31, 2020.

Report of December 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. City of San Bernardino Municipal Water Department Case No. 6124-1 (S. Hanizavareh)	203(b) 1110.2(d)(1)(B)(ii) 1110.2(f)(1)(C)(ii) 1110.2(f)(1)(D)(iii) 1110.2(f)(1)(H)(i)	Request extension of compliance deadlines for “Digester Gas Beneficial Use Program” due to unforeseen circumstances.	Not Opposed/Granted	MFCD/EXT granted commencing 12/10/20 and continuing through 6/1/22.	CO: 702.3 lbs/day NOx: 17.45 lbs/day VOC: 47.98 lbs/day
2. County of San Bernardino – Fleet Management Case No. 6070-6 (M. Reichert)	203(b)	Emergency generator to exceed 200-hour limit due to loss of power during public safety shutdowns.	Not Opposed/Granted	Ex Parte EV granted commencing 12/8/20 and continuing through 12/31/20.	CO: 0.019 lb/hr NOx: 0.51 lb/hr PM10: 0.03 lb/hr RHC: 0.03 lb/hr SOx: 0.001 lb/hr
3. Desert Cleaners, Inc., dba Classic Cleaners Case No. 6185-1 (K. Manwaring)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline.	Opposed/Granted	RV granted commencing 1/1/21 and continuing through 1/15/21.	Perc: .22 lb/day (only when machine operated)
4. Jasmine Cleaners Case No. 6183-1 (K. Manwaring and J. Lee)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline	Not Opposed/Granted	RV granted commencing 1/1/21 and continuing through 1/31/21.	Perc: TBD due 1/31/21

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. J Ross Cleaners Case No. 6178-1 (J. Lee)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline	Opposed/Denied	RV denied.	N/A
6. Los Angeles County – Internal Services Division Case No. 6127-4 (S. Pruitt)	203(b) 3002(c)(1)	Emergency generator to exceed 200-hour limit due to loss of power during public safety shutdowns.	Not Opposed/Granted	Ex Parte EV granted commencing 12/4/20 and continuing through 12/31/20.	P/O No. R-F46388: CO: 0.05 lb/hr NOx: 0.91 lb/hr PM10: 0.05 lb/hr RHC: 0.17 lb/hr SOx: 0.018 lb/hr P/O No. R-F45387: CO: 0.255 lb/hr NOx: 1.173 lbs/hr PM10: 0.084 lb/hr RHC: 0.08 lb/hr SOx: 0.018 lb/hr
7. Marvi Enterprises Case No. 6186-1 (K. Manwaring and J. Lee)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline	Not Opposed/Granted	SV granted commencing 1/1/21 and continuing through 1/22/21.	Perc: .97 lb/day
8. Metropolitan Water District of Southern California Case No. 6191-1 (S. Pruitt)	203(b)	Emergency generator to exceed 200-hour limit due to loss of power during public safety shutdowns.	Not Opposed/Granted	Ex Parte EV granted commencing 12/4/20 and continuing through 12/31/20.	CO: 0.009 lb/hr NOx: 0.010 lb/hr RHC: 0.025 lb/hr SOx: 0.026 lb/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
9. Montclair Cleaners Case No. 6184-1 (J. Lee)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline	Not Opposed/Granted	SV granted commencing 1/1/21 and continuing through 3/16/21.	Perc: .22 lb/day (only when machine operated).
10. OC Waste & Recycling, Frank R. Bowerman Landfill, LLC Case No. 5710-5 (S. Pruitt)	203(b) 1150.1(d)(16) 1150.1(e)(1) 1150.1(e)(2) 1150.1(e)(3) 1150.1(e)(4) 3002(c)(1)	Relief sought after the Silverado Fire destroyed the gas collection system at the landfill.	Not Opposed/Granted	RV granted commencing 12/17/20 and continuing through 6/30/21.	Landfill Gas: TBD
11. Redlands City, Wastewater Treatment Plant Case No. 3976-5 (B. Tomasovic)	203(b) 431.1 1146.2(c)(7) 1179.1	Petitioner sought to continue to use noncompliant boilers for its essential operations until new compliant boilers can be permitted and installed.	Not Opposed/Granted	RV granted commencing 12/16/20 and continuing through 6/14/22.	NOx: .25 lb/day SOx: .08 lb/day
12. Sierra Vista Cleaners Case No. 6182-1 (K. Manwaring)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline		RV dismissed without prejudice for failure to appear.	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
13. South Coast AQMD vs. Chiquita Canyon Landfill, LLC Case No. 6177-1 (K. Roberts)	402 H&S 41700	Odor nuisance from landfill	Stipulated/Issued	O/A issued commencing 12/16/20 and continuing through 12/9/21. Hearing Board shall retain jurisdiction over this matter until 12/9/21.	N/A
14. South Coast AQMD vs. Legacy By-Products, substituting for D&D Disposal, Inc., dba West Coast Rendering Company Case No. 3462-4 (D. Hsu)	415(d)(1)(B)(ii) 415(d)(1)(C)(ii) 415(e)(1) 415(e)(5) 415(e)(6)	Request by new owner to be substituted as Respondent under the Order and extend compliance deadline to accommodate its new involvement.	Stipulated/Issued	Mod. O/A issued commencing 12/10/20 and continuing until compliance with this Order is achieved. The Hearing Board shall retain jurisdiction over this matter until compliance with the terms of this Order are achieved.	N/A
15. South Coast AQMD vs. Mission Foods Case No. 5400-4 (K. Manwaring)	202(c) 203(b) 1147 1153.1	Respondent sought modification to extend the final compliance date of its Order, due to COVID-19 delays.	Stipulated/Issued	Mod. O/A issued commencing 12/23/20 and continuing through 6/30/21. The Hearing Board shall retain jurisdiction over this matter until 6/30/21.	N/A
16. South Coast AQMD vs. Ralphs Grocery Company Case No. 6166-1 (K. Roberts)	2004(f)(1)	Respondent sought to extend compliance dates and final compliance deadline due to new delays in project.	Stipulated/Issued	Mod. O/A issued commencing 12/29/20 and continuing through 6/30/21. The Hearing Board shall retain jurisdiction over this matter until 6/30/21.	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
17. Sparkle Cleaners Case No. 6187-1 (J. Lee)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline	Not Opposed/Granted	RV granted commencing 1/1/21 and continuing through 4/30/21.	Perc: .22 lb/day (only when machine operated)
18. Sun Cleaners Case No. 6181-1 (K. Manwaring)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline	Opposed/Denied	RV denied.	N/A
19. Tiffany Cleaner Case No. 6179-1 (K. Manwaring)	1421	Petitioner sought to operate PERC dry cleaning machine past the December 31, 2020 deadline	Opposed/Granted	RV granted commencing 1/1/21 and continuing through 2/26/21.	Perc: .02 lb/day (only when machine operated)
20. Torrance Refining Company Case No. 6060-12 (Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	Relief sought to disconnect and shut down incinerator in order to replace two burners and connect to a portable vapor control system	Not Opposed/Granted	SV and AOC granted commencing 12/1/20 and continuing through 3/1/21.	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
21. Ultramar, Inc., dba Valero Wilmington Refinery Case No. 3845-103 (Consent Calendar)	203(b) 401(b) 407 2004(f)(1) 3002(c)(1) H&S 41701	Relief sought to shut down and start up refinery operations to conduct necessary maintenance activities.	Not Opposed/Granted	SV and AOC granted commencing the day after petitioner provides 24 hours' advance notice to the South Coast AQMD that petitioner will begin shutdown activities at the refinery and shall end when all start-ups are completed and normal refinery operations are reached, but shall not exceed 75 days.	CO: 1115 lbs/day SOx: 430 lbs/day Opacity: TBD

Acronyms

AOC: Alternative Operating Conditions
 EV: Emergency Variance
 IV: Interim Variance
 MFCD/EXT: Mod. Final Compliance Date/Extension
 Mod. O/A: Modification Order for Abatement
 N/A: Not Applicable
 NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 Perc: Perchloroethylene
 PM: Particulate Matter
 P/O: Permit to Operate
 RHC: Reactive Hydro Carbons
 RV : Regular Variance
 SCR: Selective Catalytic Reduction
 SOx: Oxides of Sulfur
 SV: Short Variance
 TBD: To Be Determined

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
202(b)											1		1
202(c)												1	1
203(a)				1	1								2
203(b)	6	7	3	4	2		2		5	4	7	6	46
218(f)(3)			1										1
218.1(b)(4)(C)		2			1		1						4
401(b)												1	1
401(b)(1)		1							1				2
402								1				1	2
404(a)										1	1		2
407												1	1
407(a)		1						1	1				3
409										1	1		2
415(d)(1)(B)(ii)												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												1	1
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
1100(e)(1)(B)											1		1
1110.2(d)(1)(B)(ii)													0
1110.2(f)(1)(C)(ii)													0

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
1110.2(f)(1)(D)(iii)													0
1110.2(f)(1)(H)(i)													0
1121(c)(3)(A)				1									1
1146(c)(1)(K)											1		1
1146.2(c)(7)												1	1
1147												1	1
1147 (c)(2)					1								1
1148.1(d)(8)	1												1
1150(b)(2)									1				1
1150.1(d)(14)										1	1		2
1150.1(d)(16)										1	1	1	3
1150.1(e)(1)										1	1	1	3
1150.1(e)(2)										1	1	1	3
1150.1(e)(3)										1	1	1	3
1150.1(e)(4)										1	1	1	3
1150.1(e)(7)										1	1		2
1150.1(f)(1)(A)										1	1		2
1150.1(f)(1)(B)										1	1		2
1150.1(f)(1)(C)										1	1		2
1150.1(f)(1)(E)										1	1		2
1150.1(f)(1)(G)										1	1		2
1150.1(f)(1)(L)										1	1		2
1153.1												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
1179.1												1	1
1180(e)			2	1		1			1				5
1196							1						1

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
1196(d)(1)							1						1
1196(f)(8)(a)							1						1
1196(f)(10)							1						1
1421												9	9
1430						1							1
2004(f)(1)	5	6	2	2	1		1		4	2	3	3	29
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
2011, Appen. A, Chapter 2, Table 2-A									1				1
2011, Attachment C									1				1
2012(c)(2)(A)		1	1		1		1		1		1		6
2012(c)(2)(B)		1	1		1		1						4
2012(c)(2)(C)											1		1
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, Appendix A	1												1
2012, Appendix A, Chapter C h.		2											2
2012, Appendix A, Chapter 2, Table 2-A									1				1
2012, Attach. C									1				1
2012, Attach. C, B.1.(a)											1		1

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
3002(c)	1	1							1		1		4
3002(c)(1)	4	5	3	2	1		1		2	5	4	3	30
H&S 41700								1				1	2
H&S 41701		1							1			1	1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2020 HEARING BOARD CASES AS OF DECEMBER 31, 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 404	Particulate Matter – Concentration
Rule 407	Liquid and Gaseous Air Contaminants
Rule 409	Combustion Contaminants
Rule 415	Odors from Rendering Facilities
Rule 431.1	Sulfur Content of Gaseous Fuels
Rule 441	Research Operations
Rule 461	Gasoline Transfer and Dispensing
Rule 463	Organic Liquid Storage
Rule 464	Waste Water Separators

REGULATION XI - SOURCE SPECIFIC STANDARDS

Rule 1110.2	Emissions from Gaseous – and Liquid-Fueled Engines
Rule 1121	Control of Nitrogen Oxides (NOx) from Residential Type, Natural-Gas-Fired Water Heaters
Rule 1146	Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters
Rule 1146.2	Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters
Rule 1147	NOx Reductions from Miscellaneous Sources
Rule 1148.1	Oil and Gas Production Wells
Rule 1150	Excavation of Landfill Sites
Rule 1150.1	Control of Gaseous Emissions from Municipal Solid Waste Landfills
Rule 1153.1	Emissions of Oxides of Nitrogen from Commercial Food Ovens
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 1179.1	Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2020 HEARING BOARD CASES AS OF DECEMBER 31, 2020**

REGULATION XI - SOURCE SPECIFIC STANDARDS (continued)

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 1421 Control of Perchloroethylene Emissions from Dry Cleaning Systems
Rule 1430 Control of Emissions from Metal Grinding Operations at Metal Forging Facilities

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