

BOARD MEETING DATE: August 2, 2024

AGENDA NO. 11

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of May 1 through May 31, 2024 and June 1, 2024 through June 30, 2024.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:  
Receive and file.

Micah Ali  
Hearing Board Chair

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Attached are the following summaries: **May 2024 and June 2024 Hearing Board Cases, and Rules From Which Variances and Orders for Abatement Were Requested from January 1, 2024 through June 30, 2024.** The applicable South Coast AQMD Rules for 2024 are also attached.

There were no appeals filed during the period of May 1, 2024 to June 30, 2024.

## Report of May 2024 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. FPG California, Inc. dba Monarch Orange Crematory Case No. 6254-1 (J. Lee)	203(b) 1147(h)(13)(A)	Due to a last-minute delay in materials, petitioner was unable to conduct source testing on time to comply with permit conditions.	Not Opposed/Granted	SV granted commencing 5/14/24 and continuing through 6/13/24.	None
2. Harbor Cogeneration Co, LLC Case No. 6257-1 (N. Dwyer)	2012(c)(3)(A)	It was beyond reasonable control for petitioner to comply due to failure to transmit RTU reports. The CEMS has only been operating nominally.	Not Opposed/Granted	Ex Parte EV granted commencing 5/17/24 and continuing for 30 days, but in no event later than 6/16/24, whichever comes first.	NOX: TBD by 6/30/24
3. Sentinel Energy Center LLC Case No. 6141-2 (Consent Calendar)	203(b) 2004(f)(1) 3002(c)	Petitioner needs more time to conduct a source test within 90 days of restarting turbine Unit 3. Turbine 3 has been down since December 2023.	Not Opposed/Granted	RV granted commencing 5/14/24 and continuing through 12/31/24, the FCD.	None
4. South Coast AQMD vs. Flexfirm Holdings LLC Case No. 6239-1 (J. Lee & S. Hanizavareh)	203(b) 402 1128 1147 H&S §41700	Since July 2023 Petitioner has complied with most, but not all of the agreed upon conditions. They need more time to come into compliance.	Stipulated/Issued	Mod. O/A issued commencing 5/28/24 and continuing through 12/13/24.	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. The Termo Company Case No. 3014-22 (N. Dwyer)	203(b) 204 463(c) 1148.1(d)(8) 1173(d)(1)(B) 1303(a)(1) 1303(a)(2) 2004(f)(1) 3002(c)(1)	On 05/07/24, the Gas Company shut down Termo due to out of contract specification gas. Termo ceased production and closed the casing valve. On 05/12/24 they were shut down again, resulting in an inconsistent Wobbe Index.	Not Opposed/Granted	Ex Parte EV granted commencing 5/15/24 and continuing for 30 days, but in no event later than 6/14/24, whichever comes first.	VOC: <1.0 lb./day at each facility
6. Thermal Solutions Manufacturing, Inc. Case No. 6255-3 (M. Reichert)	203(b) 1420(f)(1)	The source testing company informed petitioner that preliminary data indicated exceedance of the emission standard for lead. Petitioner needs more time to conduct source testing.	Not Opposed/Granted	IV granted commencing on 5/23/24 and continuing for 90 days or until the RV hearing scheduled 7/9/24, whichever comes first.	Lead: 0.00189 lb./day
7. Walnut Creek Energy LLC Case No. 6230-2 (Consent Calendar)	202(b) 2004(f)(1) 2005 3002(c)(1)	On 01/31/24 Petitioner received PTC/.TPTO to increase the heat input to increase generation to the grid to help address regional generation needs/improve grid reliability.	Not Opposed/Granted	RV granted commencing 7/16/24 and continuing through 7/15/25, the FCD.	NOx: TBD by 8/31/24

### Acronyms

EV: Emergency Variance  
FCD: Final Compliance Date  
IV: Interim Variance  
N/A: Not Applicable  
NOx: Oxides of Nitrogen  
Mod. O/A: Modification Order for Abatement  
RV: Regular Variance  
SV: Short Variance  
TBD: To be determined  
VOC: Volatile Organic Compound

## Report of June 2024 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. 831-402 (Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner sought relief from District Rules to take the subject equipment (caustic scrubbers) out of service for maintenance and repairs.	Not Opposed/Granted	SV granted commencing 6/6/24 and continuing for a total of 14 days or in no event later than 6/20/24.	None
2. Los Angeles Department of Water and Power Case No. 1263-78 (Consent Calendar)	203(b) 218(b)(2) 218.1(b)(4)(c) 2004(f)(1) 3002(c)(1)	Parts and specialized repairs necessary to restore the unit's supercore and the power turbine experienced delays adversely impacting LADWP's ability to meet the variance compliance deadline of June 30, 2024.	Not Opposed/Granted	MFCD/EXT granted commencing 7/1/24 and continuing through 12/31/24.	None
3. South Coast AQMD vs. City of Fontana Case No. 5704-2 (Consent Calendar)	1196(d)(1)	Respondent is operating non-compliant Heavy-duty vehicles, which are essential. Further, respondent endeavors to comply with Rule 1196 by procuring or leasing replacement vehicles.	Stipulated/ Modified	Mod. O/A granted commencing 6/26/24 and continuing until 7/31/27. The Hearing Board shall retain jurisdiction over this matter until 7/31/27.	N/A

**Acronyms**

MFCD/EXT: Modification of Final Compliance Date and Extension

Mod. O/A: Modification Order for Abatement

N/A: Not Applicable

SV: Short Variance

**Rules from which Variances and Orders for Abatement were Requested in 2024**

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
202(b)					1								1
203(b)	7	8	8	6	5	2							36
204					1								1
218(b)(2)						1							1
218.1(b)(4)(c)						1							1
402	2		1	1	1								5
431.1(c)(2)	1	1		1									3
463(c)					1								1
464(b)(1)(A)				1									1
464(b)(2)				1									1
464(b)(3)				1									1
1105.1(e)(2)(A)	1	1	1										3
1105.1(e)(2)(E)	1	1											2
1124(c)(1)		1											1
1124(c)(4)		1											1
1128					1								1
1134(d)(3)	1												1
1134(e)(2)(C)	1												1
1134(e)(2)(C)(iii)			2										2
1146(c)(1)		1											1
1146(e)(1)		1											1
1147					1								1
1147(h)(13)(A)				1	1								2
1148.1(d)(8)					1								1
1150(b)(2)			1	1									2
1150.1(e)(2)(A)			1										1
1150.1(e)(2)(E)			1										1
1150.1(f)(2)(A)	1												1
1173(d)(1)(B)					1								1
1173(g)(1)			1										1
1176(e)(1)				1									1
1176(e)(2)				1									1
1196(d)(1)						1							1
1303(a)(1)					1								1

**Rules from which Variances and Orders for Abatement were Requested in 2024**

<b>Rules</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total Actions</b>
1303(a)(2)					1								1
1420(f)(1)					1								1
1470(c)(4)A)	1												1
2004(f)(1)	5	5	4	3	3	2							22
2005					1								1
2012(c)(3)(A)					1								1
3002(c)				1	1								2
3002(c)(1)	7	7	4	3	2	2							25
CA H&S Code 41700	1		1	1	1								4

## **SOUTH COAST AQMD RULES AND REGULATIONS INDEX FOR 2024 HEARING BOARD CASES AS OF JUNE 30, 2024**

### **REGULATION II – PERMITS**

- Rule 202 Temporary Permit to Operate
- Rule 203 Permit to Operate
- Rule 204 Permit Conditions

### **REGULATION IV – PROHIBITIONS**

- Rule 402 Nuisance
- Rule 431.1 Sulfur Content of Gaseous Fuels
- Rule 463 Organic Liquid Storage
- Rule 464 Wastewater Separators

### **REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS**

- Rule 1105.1 Reduction of PM10 and Ammonia Emissions from Fluid Catalytic Cracking Units
- Rule 1124 Aerospace Assembly and Component Manufacturing Operations.
- Rule 1128 Paper, Fabric, and Film Coating Operations
- Rule 1134 Emissions of Oxides of Nitrogen from Stationary Gas Turbines
- Rule 1146 Emissions of Oxides of Nitrogen (NOx) from Industrial, Institutional, and Commercial Boilers, Steam Generators, 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 1173 Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants
- Rule 1176 VOC Emissions from Wastewater Systems

### **REGULATION XIII – NEW SOURCE REVIEW**

- Rule 1303 Requirements

**REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS**

Rule 1420 Emissions Standard for Lead

Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines

**REGULATION XX – REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)**

Rule 2004 Requirements

Rule 2005 New Source Review for RECLAIM

Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NOx) Emissions

**REGULATION XXX – TITLE V PERMITS**

3002 – Requirements

**CALIFORNIA HEALTH AND SAFETY CODE**

§41700 Prohibited Discharges