

BOARD MEETING DATE: October 4, 2024

AGENDA NO. 10

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of August 1 through August 31, 2024.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Micah Ali
Hearing Board Chair

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Attached are the following summaries: **August 2024 Hearing Board Cases, and Rules From Which Variances and Orders for Abatement Were Requested from January 1, 2024 through August 31, 2024.** The applicable South Coast AQMD Rules for 2024 are also attached.

There were no appeals filed during the period of August 1, 2024 to August 31, 2024.

Report of August 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. EMD Specialty Materials, LLC Case No. 6260-1 (Consent Calendar)	203(b) 1147(d)(1)(A) 3002(c)(1)	Petitioner is in violation of District Rules and intends to achieve compliance by replacing the defective low-NOx burner in Permit Condition No. 7.	Not Opposed/Granted	RV granted commencing 8/13/24 and continuing through 7/8/25, the FCD.	NOx: 1.3 lbs/day
2. Spectrasite Communications, LLC – Los Angeles Case No. 6261-1 (M. Reichert)	203(b)	Petitioner requires compliance with permit conditions, because petitioner exceeded its annual permitted operating limit of 200 hours for its engine as specified in Condition No. 4 of Petitioner's Permit to Operate No. G66246.	Opposed/Dismissed	IV dismissed without prejudice for lack of good cause.	N/A
3. Spectrasite Communications, LLC – Hacienda Heights Case No. 6261-2 (M. Reichert)	203(b)	Petitioner requires compliance with permit conditions, because petitioner has exceeded its annual permitted operating limit of 200 hours for its engine as specified in Condition No. 4 of Petitioner's Permit to Operate No. G65402.	Opposed/Dismissed	IV dismissed without prejudice for lack of good cause.	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
4. South Coast AQMD vs. Ameresco Energy, LLC Case No. 6143-4 (K. Roberts)		Ameresco has complied with all terms and conditions of the Stipulated Order to date, and there is no further basis for continuation of the Stipulated Order. Petitioner filed a motion to dismiss and terminate the O/A.	Stipulated/Dismissed	The Hearing Board granted the unopposed motion to dismiss and terminate the O/A issued by the Board.	N/A
5. South Coast AQMD vs. Chiquita Canyon Landfill, LLC Case No. 6177-4 (E. Chavez)	402 H&S §41700	Hearing Board convened a hearing on 8/17/24 and reconvened on 8/20/24 and 8/27/24 pursuant to notice in accordance with the provisions of H&S §§ 40823 and 42451(a) and Rule 812 to consider modifications to the Modified Stipulated Order for Abatement.	Stipulated/Modified	Status Report given, Mod. O/A issued commencing 8/27/24. The Hearing Board shall continue to retain jurisdiction over this matter until 12/31/25.	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
6. South Coast AQMD vs. County of San Bernardino Case No. 6174-1 (Consent Calendar)	1196(d)(1) 1196(f)(8)(a) 1196(f)(10)	A Stipulated Order for Abatement was initially issued on 7/7/20. The County has taken steps to comply with the Order for Abatement; procurement delays have inhibited the process. Both parties have stipulated to the issuance of this Order for Abatement pursuant to H&S 42451(b).	Stipulated/Modified	Mod. O/A issued commencing 8/27/24. The Hearing Board shall continue to retain jurisdiction over this matter until 1/31/27.	N/A
7. South Coast AQMD vs. Los Angeles County Metropolitan Transportation Association Case No. 5874-2 (K. Roberts)	1196(d)(1)	Respondent has taken several steps to fulfill the schedule outlined since the 7/29/21 Order for Abatement. Both Parties have stipulated to the issuance of this Modified Order for Abatement pursuant to H&S 42451(b) and Rule 806(b).	Stipulated/Modified	Mod. O/A issued commencing 8/7/24 and continuing through 12/31/28. The Hearing Board shall retain jurisdiction over this matter until 12/31/28.	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
8. South Coast AQMD vs. Southern California Gas Company Case No. 137-81 (J. Lee)	203(b)	Respondent operated equipment in excess of hours permitted for maintenance and testing.	Stipulated/Denied	The Board denied the O/A because the facts presented failed to show that the Respondent operated the equipment in excess of the permitted limit.	N/A
9. United States Government, Department of Navy Case No. 4518-10 (S. Pruitt)	203(b) 3002(c)(1)	Emergency generator is expected to exceed its permitted annual 200-hour operating limit, due to loss of power caused by a fire on San Clemente Island.	Not Opposed/Granted	Ex Parte EV granted commencing 8/2/24 and continuing for 30 days or until the IV hearing scheduled for 8/29/24, whichever comes first.	D21 CO: 32.27 NOx: 148.38 PM10: 10.60 ROG: 11.86 D200 CO: 38.23 NOx: 24.16 PM10: 1.71 ROG: 4.50
10. United States Government, Department of Navy Case No. 4518-10 (Consent Calendar)	203(b) 3002(c)(1)	Petitioner is in violation because a wildfire caused catastrophic damage to the electrical grid. Site power will take at least a year to restore. Therefore, the equipment has exceeded and will exceed the 200 hour per year operating limit imposed by its permit under relevant rules.	Not Opposed/Granted	IV granted commencing 8/29/24 and continuing for 90 days or until the RV hearing currently scheduled for 10/17/24, whichever occurs first.	D21 CO: 63.6 NOx: 292.47 PM10: 21.19 ROG: 23.72 D200 CO: 72.52 NOx: 45.8 PM10: 3.24 ROG: 8.53

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. Universal City Studios, LLC Case No. 4935-21 (Consent Calendar)	401(b)(1) H&S §41701	Fog-generating machine used for Halloween-themed production will exceed opacity limits.	Not Opposed/Granted	SV granted commencing 8/13/24 and continuing through 11/5/24	Opacity: to be determined by 11/5/24
12. USA Waste of California – El Sobrante Landfill Case No. 5139-3 (M. Reichert)	203(b) 3002(c)(1)	El Sobrante Landfill, an essential public service, petitioned for a variance because they are unable to physically reduce the DMS component of Sox emissions and the landfill cannot curtail operations.	Not Opposed/Granted	IV granted commencing 8/6/24 and continuing for 90 days or until the RV hearing scheduled for 9/4/204, whichever comes first.	SOx: 8 lbs/dday

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. Walnut Creek Energy, LLC Case No. 6230-3 (Consent Calendar)	203(b) 2004(f)(1) 3002(c)(1)	Petitioner will be in violation of District Rules 203(b), 3002(c), 2004(f) and from Permit Condition E448.3 and intends to achieve compliance by repairing and returning to service the permitted supercore, a component of the permitted equipment. This short variance provides relief from operating a supercore serial number not listed as part of the site fleet in Permit Condition E448.	Not Opposed/Granted	SV granted commencing 8/1/24 and continuing for 90 days or until the damaged supercore is repaired and installed, whichever comes first.	N/A

Acronyms

CO: Carbon Monoxide
ICE: Internal Combustion Engine
IV: Interim Variance
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable
NOx: Oxides of Nitrogen
OA: Order for Abatement
RV: Regular Variance
SOx:
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	6	7					49
204					1								1
218(b)(2)						1							1
218.1(b)(4)(c)						1							1
401(b)(1)								1					1
402	2		1	1	1		1						6
415(f)							1						1
415(g)							1						1
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
1100(d)(1)(B)							1						1
1105.1(e)(2)(A)	1	1	1										3
1105.1(e)(2)(E)	1	1											2
1110.2(d)							1						1
1110.2(e)(2)							1						1
1110.2(e)(4)							1						1
1110.2(e)(10)							1						1
1110.2(f)(1)(C)							1						1
1110.2(F)(1)(D)							1						1
1124(c)(1)		1											1
1124(c)(4)		1											1
1128					1								1
1134(d)(3)	1						1						2
1134(e)(2)							1						1
1134(e)(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

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
1147					1		1						2
1147(d)(1)(a)							1	1					2
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		2					3
1196(f)(8)(a)								1					1
1196(f)(10)								1					1
1303(a)(1)					1								1
1303(a)(2)					1								1
1420(f)(1)					1		2						3
1470(c)(4)(A)	1												1
2004(f)(1)	5	5	4	3	3	2	3	1					26
2005					1								1
2012							1						1
2012(c)(3)(A)					1								1
3002(c)				1	1								2
3002(c)(1)	7	7	4	3	2	2	4	5					34
CA H&S Code 41700	1		1	1	1		1	1					6
CA H&S Code 41701								1					1

**SOUTH COAST AQMD RULES AND REGULATIONS INDEX
FOR 2024 HEARING BOARD CASES AS OF AUGUST 31, 2024**

REGULATION II – PERMITS

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

REGULATION IV – PROHIBITIONS

- Rule 401 Visible Emissions
- 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 1100 Implementation Schedule for NO_x Facilities
- Rule 1105.1 Reduction of PM₁₀ and Ammonia Emissions from Fluid Catalytic Cracking Units
- Rule 1110.2 Emissions from Stationary Internal Combustion Engines
- 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 (NO_x) from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters
- Rule 1147 NO_x 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
- Rule 1196 Clean On-Road Heavy-Duty Public Fleet Vehicles

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

§41701 Restricted Discharges