

BOARD MEETING DATE: February 1, 2019

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2018.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Julie Prussack
Chairman of Hearing Board

DG

Two summaries are attached: **December 2018 Hearing Board Cases** and **Rules From Which Variances and Orders for Abatement Were Requested in 2018**. An Index of District Rules is also attached.

The total number of appeals filed during the period December 1 to December 31, 2018 is 0; and total number of appeals filed during the period of January 1 to December 31, 2018 is 0.

Report of December 2018 Hearing Board Cases

Case Name and Case No. (SCAQMD Attorney)	Rules	Reason for Petition/Hearing	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. City of San Bernardino Municipal Water District 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)	Request relief from emission limits to construct new control technology for essential wastewater processes.	Not Opposed/Granted	RV granted commencing 1/1/19 and continuing through 9/1/21 or until final compliance is achieved, whichever occurs first.	NOx: 2.2 lbs/hr CO: 88.6 lbs/hr VOC: 6.3 lbs/hr
2. Kinsbursky Brothers, Inc. Case No. 6122-1 (N. Feldman)	1420(f)(1)(B) 1420(g)(2)(B) 1420(J)(2)	Request additional time to meet total enclosure and control requirements for lead processing facility while maintaining zero excess emissions.	Not Opposed/Granted	RV granted commencing 12/13/18 and continuing through 9/3/19 or until final compliance is achieved, whichever occurs first.	None
3. Los Angeles County Internal Services Department Network Services Division Case No. 6127-1 (T. Barrera)	203(b)	ICE exceeded annual permitted hours of operation due to wildfire.	Not Opposed/Granted	SV granted commencing 12/11/18 and continuing through 12/31/18.	SOx: 0.04 lb/hr PM10: 0.05 lb/hr VOC: 0.7 lb/hr CO: 0.8 lb/hr NOx: 2.65 lbs/hr
4. Los Angeles County Internal Services Department Network Services Division Case No.6127-2 (T. Barrera)	203(b)	ICE exceeded annual permitted hours of operation due to wildfire.	Not Opposed/Granted	SV granted commencing 12/11/18 and continuing through 12/31/18.	Fees waived pursuant to Rule 303(p)

Case Name and Case No. (SCAQMD Attorney)	Rules	Reason for Petition/Hearing	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
5. Los Angeles County Sanitation Districts Case No. 3715-21 (K. Manwaring)	202(a) 203(b) 431.1(d)(3) 1150.1(d)(1)(C)(i) 1150.1(d)(14) 1150.1(d)(20) 1150.1(e)(1)(B) 1150.1(e)(1)(C) 1150.1(e)(2) 1150.1(e)(2)(B) 1150.1(e)(2)(C) 1150.1(e)(3) 1150.1(e)(3)(B) 1150.1(e)(3)(C) 1150.1(e)(4) 1150.1(e)(4)(A) 1150.1(e)(4)(B) 1150.1(e)(5) 1150.1(e)(7) 1150.1(e)(7)(C) 3002(c)	Petitioner sought relief due to extensive damage incurred to landfill gas collection system and associated piping as a result of the Woolsey fire.	Not Opposed/Granted	IV granted commencing 12/18/18 and continuing for 90 days or until the RV hearing currently scheduled for 1/31/19, whichever comes first.	Fees waived pursuant to Rule 303(p)
6. Tesoro Refining & Marketing Co, LLC. Case No. 4982-118 (N. Feldman)	203(b) 1105.1 2004(f)(1) 3002(c)(1)	Petitioner sought relief to bypass secondary control equipment in order to conduct source test needed to support a requested permit modification.	Not Opposed/Granted	SV granted commencing 1/7/19 and continuing through 2/28/19. The variance shall be for a period of 96 hours within the start date and ending date listed above.	PM: TBD within 30 days of source test date
7. Tesoro Refining & Marketing Co, LLC. Case No. 4982-119 (N. Feldman)	203(b) 2004(f)(1) 2011(c)(2)(A) 2011(C)(2)(B) 2011(e)(1) 2012(c)(2)(A) 2012(c)(2)(B) 2012(g)(1) 3002(c)(1)	Petitioner sought relief to disconnect CEMS during a turnaround in order to safely replace failing heater convection area tubes.	Not Opposed/Granted	SV & AOC granted commencing 1/7/19 and continuing through 2/21/19 or until final compliance is achieved, whichever occurs first.	None

Case Name and Case No. (SCAQMD Attorney)	Rules	Reason for Petition/Hearing	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
8. SCAQMD vs. Providence Tarzana Medical Center Case No. 6128-1 (N. Feldman)	203(a) 1470(c)(2)(C)(iv)(I)	Operating noncompliant emergency generator.	Stipulated/Issued	O/A issued commencing 12/18/19 and continuing through 8/31/19. The Hearing Board shall retain jurisdiction over this matter until 8/31/19.	N/A
9. SCAQMD vs. Sunshine Canyon Landfill Case No. 3448-14 (N. Sanchez)	N/A	Status Report.	No Action	The Hearing board received a status report and continued the hearing to 3/19/19.	N/A

Acronyms

AOC: Alternative Operating Conditions
 CEMS: Continuous Emissions Monitoring System
 CO: Carbon Monoxide
 ICE: Internal Combustion Engine
 IV: Interim Variance
 N/A: Not Applicable
 NOx: Oxides of Nitrogen
 O/A: Order for Abatement
 Mod. O/A: Modification of Order for Abatement
 PM: Particulate matter
 PM10: Particulate matter 10 micron
 RV: Regular Variance
 SOx: Oxides of Sulfur
 SV: Short Variance
 TBD: To Be Determined
 VOC: Volatile Organic Compounds

Rules from which Variances and Orders for Abatement were Requested in 2018

	2018	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
# of HB Actions Involving Rules														
109(c)(1)				1									1	2
202(a)								1		1				2
203											1			1
203(a)				2			1	1	1				1	6
203(b)		2	4	2	4	2	3	2	4	3		5	6	37
218(f)										1				1
222							1							1
401(b)(1)										1				1
402								1			1			2
431.1													1	1
431.1(c)(2)					2	1	1							4
431.1(d)(3)													1	1
461										1				1
461(c)(1)(A)												1		1
461(c)(2)(B)								1						1
461(c)(3)(P)								1						1
461(e)(5)								3				1		4
463(c)(2)							2							2
463(d)(2)							2							2
463(e)(4)							2							2
463(f)(1)(C)							2							2
1110.2(d)(1)(B)(ii)													1	1
1110.2(d)(1)(F)							1							1
1110.2(d)(1)(H)							1							1
1110.2(d)(1)(L)				1										1
1110.2(e)(3)(b)										1				1
1110.2(f)(1)										1				1
1110.2(f)(1)(C)(ii)													1	1
1110.2(f)(1)(D)(iii)													1	1
1110.2(f)(1)(H)													1	1
1146(d)(6)							1			1				2
1146(d)(8)							1			1				2
1146.2							1							1
1146.2(e)							1							1
1147							1	1						2
1147(c)(1)		1							1					2
1149(c)(1)							1							1
1149(c)(2)							1							1
1149(c)(7)							1							1
1105.1													1	1
1150.1(d)(1)(C)(i)													1	1
1150.1(d)(14)													1	1
1150.1(d)(20)													1	1
1150.1(e)(1)(B)													1	1

Rules from which Variances and Orders for Abatement were Requested in 2018

	2018	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Actions
1150.1(e)(1)C)													1	1
1150.1(e)(2)													1	1
1150.1(e)(2)(B)													1	1
1150.1(e)(2)(C)													1	1
1150.1(e)(3)													1	1
1150.1(e)(3)(B)													1	1
1150.1(e)(3)(C)													1	1
1150.1(e)(4)													1	1
1150.1(e)(4)(A)													1	1
1150.1(e)(4)(B)													1	1
1150.1(e)(5)													1	1
1150.1(e)(7)													1	1
1150.1(e)(7)(C)													1	1
1173(g)(1)										1				1
1178(d)(3)							2							2
1178(g)							2							2
1178(h)(4)							2							2
1401											1			1
1407				1										1
1415(d)(1)(A)							1							1
1420(f)(1)(B)													1	1
1420(g)(2)(B)													1	1
1420(J)(2)													1	1
1420.2				2		1			1					4
1420.2(g)(3)(B)									1					1
1430									1					1
1430(d)(8)(A)									1	1				2
1470							1							1
1470(c)(2)(C)(iv)(l)													1	1
2004(f)(1)		2	3		2		2	1	1	1			2	14
2011(c)(2)(A)		1											1	2
2011(c)(2)(B)		1											1	2
2011(e)(1)		1											1	2
2012(c)(2)(A)		1											1	2
2012(c)(2)(B)		1											1	2
2012(g)(1)		1											1	2
3002(c)		1											1	2
3002(c)(1)		1	3		3		3	2	2	1			1	16
H&S 41700								1				1		2
H&S 41701										1				1
H&S 42401										1				1

**DISTRICT RULES AND REGULATIONS INDEX
FOR 2018 HEARING BOARD CASES AS OF DECEMBER 31, 2018**

REGULATION I – GENERAL PROVISIONS

Rule 109 Recordkeeping for Volatile Organic Compound Emissions

REGULATION II – PERMITS

Rule 202 Temporary Permit to Operate

Rule 203 Permit to Operate

Rule 218 Continuous Emission Monitoring

Rule 222 Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II

REGULATION IV – PROHIBITIONS

Rule 401 Visible Emissions

Rule 402 Nuisance

Rule 431.1 Sulfur Content of Gaseous Fuels

Rule 461 Gasoline Transfer and Dispensing

Rule 463 Organic Liquid Storage

REGULATION XI - SOURCE SPECIFIC STANDARDS

Rule 1105.1 Reduction of PM10 and Ammonia Emissions from Fluid Catalytic Cracking Units

Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines

Rule 1143 Consumer Paint Thinners and Multi-Purpose Solvents

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 1149 Storage Tank and Pipeline Cleaning and Degassing

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 1178 Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities

REGULATION XIV – TOXICS AND OTHER NON-CRITERIA POLLUTANTS

- Rule 1401 New Source Review of Toxic Air Contaminants
- Rule 1407 Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Ferrous Metal Melting Operations
- Rule 1415 Reduction of Refrigerant Emissions from Stationary Air Conditioning Systems
- Rule 1420.2 Emission Standard for Lead from Metal Melting Facilities
- Rule 1430 Control of Emissions from Metal Grinding Operations at Metal Forging Facilities
- Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Ignition Engines

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

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

REGULATION XXX - TITLE V PERMITS

- Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

- §41700 Prohibited Discharges
- §41701 Restricted Discharges
- §42401 Violation of Abatement Order; Civil Penalty