

2023 MAR -3 AM 8:00

PETITION FOR VARIANCE
BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

PETITIONER: COUNTY OF SAN BERNARDINO – FLEET MANAGEMENT__ CASE NO: __6070-10__

FACILITY ID: __161266__

FACILITY ADDRESS: 3000 Keller Peak Rd.
[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: Arrowbear Lake, CA 92382__

1. TYPE OF VARIANCE REQUESTED (more than one box may be checked; see Attachment A, Item 1, before selecting)

☒ INTERIM ☐ SHORT ☒ REGULAR ☐ EMERGENCY ☒ EX PARTE EMERGENCY

2. CONTACT: Name, title, company (if different than Petitioner), address, and phone number of persons authorized to receive notices regarding this Petition (no more than two authorized persons).

Lauren Doucette

Regulatory Environmental Specialist

County of San Bernardino – Fleet Management

210 N. Lena Rd. Zip 92415

☎ (909) 601-4374 Ext.

Fax ()

E-mail lauren.doucette@fltm.sbcounty.gov

E-mail

3. RECLAIM Permit ☐ Yes ☒ No Title V Permit ☐ Yes ☒ No

Persons with disabilities may request this document in an alternative format by contacting the Clerk of the Board at 909-396-2500 or by e-mail at clerkofboard@aqmd.gov.

If you require disability-related accommodations to facilitate participating in the hearing, contact the Clerk of the Board at least five (5) calendar days prior to the hearing.

[ALL DOCUMENTS FILED WITH CLERK'S OFFICE BECOME PUBLIC RECORD]

4. **GOOD CAUSE:** Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances; see Attachment A, Item 4)

This variance is in regards to an emergency generator that will run past its allotted 200 emergency hours for the 2023 year on Keller Peak. Due to the State of Emergency Winter Storm, the generator tripped on due to a down power pole from Edison. With the severity of the weather, Edison is not able to get up the mountain until the roads are cleared. By the time the snow is cleared, and the outage is fixed, the generator will be over the 200 hours as stated above.

5. Briefly describe the type of business and processes at your facility.

This emergency generator is on top of Keller Peak and runs the 800 mHz radio tower for the County of San Bernardino First Responders. This radio tower is crucial for first responder communication as well as communication for all County of San Bernardino employees. This emergency generator is there to run when the power supplied by Edison cuts out. Unfortunately, Fleet Management is at the mercy of Edison going up onto Keller Peak and fixing the poles to fix the power supply.

6. List the equipment and/or activity(s) that are the subject of this petition (see Attachment A, Item 6, Example #1). **Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For RECLAIM or Title V facilities, attach only the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this petition. You must bring the entire Facility Permit to the hearing.**

Equipment/Activity	Application/ Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Emergency (I.C.E.) Generator	G4557	no	2.12.19

*Attach copy of denial letter

7. Briefly describe the activity or equipment, and why it is necessary to the operation of your business. A schematic or diagram may be attached, in addition to the descriptive text.

This emergency generator is crucial to the radio tower so that it may have a power source while Edison is having a power outage. This emergency generator is keeping the radio tower online so that it may be used by first responders and other County of San Bernardino employees as a main line of communication. With no generator up on Keller Peak, there is no emergency power supply while Edison is preparing to fix the poles and wires.

8. Is there a regular maintenance and/or inspection schedule for this equipment? Yes ☒ No ☐

If yes, how often: Once a month Date of last maintenance and/or inspection 02.28.23

Describe the maintenance and/or inspection that was performed.

A PM INSPECTION SERVICE
START - 1825.1
END - 1825.6

TEST - .5

FUEL - 75%

OUTAGE -

All points as inspected as they apply to each particular equipment

Checked oil level

Checked for oil leakage.

Checked coolant level and coolant hoses.

Checked block heater for leaks, electrical wiring and operation.

Checked engine temperature prior to starting.

Checked engine hubs, pulleys, belts and fan blades.

Checked water pump for looseness, leakage or seepage.

Checked radiator cap and radiator airflow path.

Checked governor, governor linkage and lubed (if equipped)

Checked fuel level on all tanks.

Inspected all valves and connections for signs of active fuel leaks.

Inspected all fuel shut-off valves and fuel lines for both wiring and connections

Inspected engine and generator mounting.

Disconnected battery charger power to test battery systems

Checked battery and state of charge.

Cleaned and filled battery, cleaned battery cable and posts, as required.

Checked air intake system. Inspected for dirt entry

Checked exhaust system, for leaks and signs of restriction.

Checked DC alternator output and starter draw.

Checked wiring inside control panel and to all sensors.

Clean all debris under generator, or in control panel and remove nests as required.

Checked shutters, shutter control relays, temperature controls and exhaust fans.

Checked AC alternator voltage and Hz

9. List all District rules, and/or permit conditions [indicating the specific section(s) and subsection(s)] from which you are seeking variance relief (if requesting variance from Rule 401 or permit condition, see Attachment A). Briefly explain how you are or will be in violation of each rule or condition (see Attachment A, Item 9, Example #2).

Rule	Explanation
203 (b)	The equipment will be running contrary to the permit conditions
Permit Condition 4	The equipment will go over 200 emergency hours.

10. Are the equipment or activities subject to this request currently under variance coverage? Yes ☐ No ☒

Case No.	Date of Action	Final Compliance Date	Explanation

11. Are any other equipment or activities at this location currently (or within the last six months) under variance coverage? Yes ☐ No ☒

Case No.	Date of Action	Final Compliance Date	Explanation

12. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning this equipment or activity within the past year? Yes ☐ No ☒

If yes, you must attach a copy of each notice.

13. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six months? Yes ☐ No ☒

If yes, you should be prepared to present details at the hearing.

14. Explain why it is beyond your reasonable control to comply with the rule(s) and/or permit condition(s). Provide specific event(s) and date(s) of occurrence(s), if applicable.

A power pole from Edison is down and due to the severe weather conditions, Edison does not know when it can be fixed. Since San Bernardino County has no control over Edison's power supply, Fleet is unable to do anything until Edison fixes their power issues. Due to the extreme weather conditions, Fleet is turning in this variance with due diligence that this generator will run over the 200 allotted hours.

15. When and how did you first become aware that you would not be in compliance with the rule(s) and/or permit condition(s)? Provide specific event(s) and date(s) of occurrence(s).

San Bernardino County Fleet was made aware of the current power outage Monday, February 27th and looked at the GPS to see that the generator would go over the allotted 200 hours over the weekend. On Thursday, March 2nd, the Variance paperwork was started.

16. List date(s) and action(s) you have taken since that time to achieve compliance.

Fleet has tried to prepare a variance in a timely manner for when the generator hits 200 hours. Fleet took it upon themselves to complete this variance with urgency to get this to the District.

17. What would be the harm to your business during **and/or after** the period of the variance if the variance were not granted?

Economic losses: \$ _____ 0 _____

Number of employees laid off (if any): _____ 0 _____

Provide detailed information regarding economic losses, if any, (anticipated business closure, breach of contracts, hardship on customers, layoffs, and/or similar impacts).

No economic loss.

18. Can you curtail or terminate operations in lieu of, or in addition to, obtaining a variance? Please explain.

No, the equipment is needed for first responder communication.

19. Estimate excess emissions, if any, on a daily basis, including, if applicable, excess opacity (the percentage of total opacity above 20% during the variance period). If the variance will result in no excess emissions, insert "N/A" here and skip to No. 20.

Pollutant	(A)	(B)	(C)*
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)
N/A			

* Column A minus Column B = Column C

Excess Opacity: _____ %

20. Show calculations used to estimate quantities in No. 19, or explain why there will be no excess emissions.

21. Explain how you plan to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible.

Considering this emergency generator is only used in cases of emergency, Fleet Management is already taking action to keep the emergency generator running only when necessary.

22. How do you plan to monitor or quantify emission levels from the equipment or activity(s) during the variance period, and to make such records available to the District? **Any proposed monitoring does not relieve RECLAIM facilities from applicable missing data requirements.**

Fleet has a GPS system on the generator calculating how many hours it is running. Based upon the hours and excess emissions factors, Fleet will calculate the excess emissions from both using the excess emissions calculations provided to me from previous variances.

23. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed, modifications or process changes to be made, permit conditions to be amended, etc., dates by which the actions will be completed, and an estimate of total costs.

Since Fleet Management is only requesting to have the variance for the 2023 year, Fleet Management will try to keep the emergency hours under 200 hours for the foreseeable future. Unfortunately, this is not something that Fleet Management can predict. While the emergency generator is only on during an emergency, Fleet can only hope that Edison can fix their power supply quickly so that Fleet will not need to apply for a variance again.

24. State the date you are requesting the variance to begin: 3.2.23 and the date by which you expect to achieve final compliance: 12.31.23

If the regular variance is to extend beyond one year, you **must** include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress (see Attachment A, Item 24, Example #3).

List Increments of Progress here:

25. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

Ext. _____

Ext. _____

If the petition was completed by someone other than the petitioner, please provide their name and title below.

Name	Company	Title
------	---------	-------

The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on March 2, 2023, at San Bernardino, California


Signature

Lauren Doucette
Print Name

Title: Regulatory Environmental Specialist _____

26. **SMALL BUSINESS and TABLE III SCHEDULE A FEES:** To be eligible for reduced fees for small businesses, individuals, or entities meeting small business gross receipts criterion [see District Rule 303(h)], you must complete the following:

Declaration Re Reduced Fee Eligibility

1. The petitioner is
a) ☐ an individual, or

- b) ☐ an officer, partner or owner of the petitioner herein, or a duly authorized agent of the petitioner authorized to make the representations set forth herein.

If you selected 1a, above, skip item 2.

2. The petitioner is

- a) ☐ a business that meets the following definition of Small Business as set forth in District Rule 102:
SMALL BUSINESS means a business which is independently owned and operated and meets the following criteria, or if affiliated with another concern, the combined activities of both concerns shall meet these criteria:
- (a) the number of employees is 10 or less; **AND**
 - (b) the total gross annual receipts are \$500,000 or less or
 - (iii) the facility is a not-for-profit training center.

-OR-

- b) ☐ an entity with total gross annual receipts of \$500,000 or less.

3. Therefore, I believe the petitioner qualifies for reduced fees for purpose of filing fees and excess emission fee calculations, in accordance with Rule 303(h).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, at _____, California

Signature _____

Print Name _____

Title _____

ATTACHMENT A

ITEM 1

Type of Variance Requested:

- (a) **SHORT:** If compliance with District rule(s) can be achieved in **90 days or less**, request a short variance. *(Hearing will be held approximately 21 days from date of filing--10-day posted notice required.)*
- (b) **REGULAR:** If compliance with District rule(s) will take **more than 90 days**, request a regular variance. If the variance request will extend beyond one year, you **must** include a specific detailed schedule of increments of progress [see Page 8, No. 24] under which you will achieve final compliance. *(Hearing will be held approximately 45 days from date of filing--30-day published notice required.)*
- (c) **EMERGENCY:** If non-compliance is the result of an unforeseen emergency, such as a sudden equipment breakdown, power failure, or accidental fire, you may request an emergency variance. You may request an *ex parte* emergency variance in addition to an emergency variance. **An emergency variance cannot be granted for more than 30 days.** *(Hearing will be held within 2 working days from the date of filing, whenever possible, excluding Mondays, weekends, and holidays.)* **If you request an emergency variance, you must answer No. 4 on page 1.**
- (d) **EX PARTE EMERGENCY:** If variance coverage is required on a weekend or when the Board is not in session, and you cannot wait until an emergency variance hearing can be held, you may request an *ex parte* emergency variance. An *ex parte* emergency variance will be granted or denied solely on the information contained in the petition and the District's response to the petition. Under most circumstances, an *ex parte* emergency variance will remain in effect only until a hearing can be held. **If you request an *ex parte* variance, you must answer No. 4 on page 1.**
- (e) **INTERIM:** If you require immediate relief (other than for emergencies) to cover the time until a short or regular variance hearing can be held, request an interim variance. If you request an interim variance, you

must also request a short or a regular variance on the same petition. (Hearing will be held approximately 2 working days from date of filing, whenever possible, excluding Mondays, weekends and holidays.) If you request an interim variance, you must answer No. 4 on page 1.

ITEM 4

GOOD CAUSE: The Hearing Board is required to provide public notice of variance hearings, as the public has a right to attend and testify at such hearings. In order for the Hearing Board to hold an Interim, *Ex Parte* Emergency or Emergency Variance hearing without the required public notice, a petitioner must present facts which will support a determination by the Board that "good cause" exists to hear a variance without notifying the public about the variance and providing the public with an opportunity to present evidence concerning the variance.

ITEM 6

Example #1:

Equipment/Activity	Application/ Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Tenter frame		D32	
Chrome-plating tank	M99999		
Bake oven	123456		
Create special effects (fog)	N/A	N/A	N/A
Mfg., sale, distribution, use of non-compliant coating	N/A	N/A	12/10/95

ITEM 9

a) If you are requesting relief from Rule 401 and the excess opacity during the variance period will reach or exceed 40%, you should also request relief from California Health and Safety Code Section 41701.

b) If you are requesting relief from a permit condition(s), you should also request relief from the rule requiring compliance with conditions of the permit: 202(a), (b) or (c) - Temporary Permit to Operate; 203(b) - Permit to Operate; 2004(f)(1) - RECLAIM Permit; 3002(c) - Title V Permit.

Example #2:

Rule	Explanation
404(a)	tenter frame is vented to damaged air pollution control equipment
2004 (f)(1) [Condition No. 28-2 of Facility P/O No. 099999]	source test cannot be conducted as required until new ESP is installed
1113(c)(2)	petitioner manufactures and sells clear wood finishes with VOCs in excess of 350 grams per liter
401(a) & California H&S Code Section 41701	Opacity will exceed 45%.

ITEM 24

Example #3:

Sample Schedule of Increments of Progress

[YOU MAY ATTACH ADDITIONAL PAGES IF NECESSARY]

- Permit application(s) will be submitted to the District by [date].
- Contracts for the purchase of emission control systems will be awarded by [date].
- On-site construction will be completed by [date].



PERMIT TO OPERATE

This initial permit must be renewed ANNUALLY unless the equipment is moved, or changes ownership.
If the billing for the annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner
or Operator:

SAN BERNARDINO COUNTY, FLEET MGMT DEPT.
210 N LENA RD
SAN BERNARDINO, CA 92415

ID 161266

Equipment Location: 3000 KELLER PEAK RD, ARROWBEAR LAKE, CA 92382

Equipment Description :

INTERNAL COMBUSTION ENGINE, JOHN DEERE, 4 CYLINDER, TURBOCHARGED, AFTERCOOLED,
MODEL 4024HF285B, 80 BHP, DIESEL FUELED, DRIVING AN EMERGENCY ELECTRICAL
GENERATOR.

Conditions :

1. OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN ACCORDANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
2. THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
3. A NON-RESETTABLE TOTALIZING TIMER SHALL BE INSTALLED AND MAINTAINED TO INDICATE THE ENGINE ELAPSED OPERATING TIME.
4. THIS ENGINE SHALL NOT OPERATE MORE THAN 200 HOURS IN ANY ONE YEAR, WHICH INCLUDES NO MORE THAN 50 HOURS IN ANY ONE YEAR FOR MAINTENANCE AND TESTING PURPOSES AND NO MORE THAN 4.2 HOURS IN ANY ONE MONTH FOR MAINTENANCE AND TESTING PURPOSES.
5. AN ENGINE OPERATING LOG OF ENGINE OPERATIONS SHALL BE KEPT AND MAINTAINED DOCUMENTING THE TOTAL TIME THE ENGINE IS OPERATED EACH MONTH AND THE SPECIFIC REASON FOR OPERATION AS:
 - A. EMERGENCY USE
 - B. MAINTENANCE AND TESTING
 - C. OTHER (BE SPECIFIC)IN ADDITION, FOR EACH TIME THE ENGINE IS MANUALLY STARTED, THE LOG SHALL INCLUDE THE DATE OF ENGINE OPERATION, THE SPECIFIC REASON FOR OPERATION, AND THE TOTALIZING HOUR METER READING (IN HOURS AND TENTHS OF HOURS) AT THE BEGINNING AND THE END OF THE OPERATION.
6. ON OR BEFORE JANUARY 15TH OF EACH YEAR, THE OPERATOR SHALL RECORD IN THE ENGINE OPERATING LOG:

FILE COPY



PERMIT TO OPERATE

- A. THE TOTAL HOURS OF ENGINE OPERATION FOR THE PREVIOUS CALENDAR YEAR, AND
 - B. THE TOTAL HOURS OF ENGINE OPERATION FOR MAINTENANCE AND TESTING FOR THE PREVIOUS CALENDAR YEAR.
-
- 7. ENGINE OPERATION LOG(S) SHALL BE RETAINED ON SITE FOR A MINIMUM OF FIVE CALENDAR YEARS AND SHALL BE MADE AVAILABLE TO THE EXECUTIVE OFFICER OR REPRESENTATIVE UPON REQUEST.
 - 8. THE OPERATOR SHALL NOT PURCHASE ANY DIESEL FUEL UNLESS THE FUEL IS LOW SULFUR DIESEL FOR WHICH THE SULFUR CONTENT DOES NOT EXCEED 15 PPM BY WEIGHT. EFFECTIVE JANUARY 1, 2006, THE OPERATOR SHALL ONLY USE DIESEL FUEL WITH A SULFUR CONTENT THAT DOES NOT EXCEED 15 PPM BY WEIGHT, UNLESS THE OPERATOR DEMONSTRATES IN WRITING TO THE EXECUTIVE OFFICER THAT SPECIFIC ADDITIONAL TIME IS NECESSARY.
 - 9. OPERATION BEYOND THE 50 HOURS PER YEAR ALLOTTED FOR ENGINE MAINTENANCE AND TESTING SHALL BE ALLOWED ONLY IN THE EVENT OF A LOSS OF GRID POWER OR UP TO 30 MINUTES PRIOR TO A ROTATING OUTAGE, PROVIDED THAT: (A) THE UTILITY DISTRIBUTION COMPANY HAS ORDERED ROTATING OUTAGES IN THE CONTROL AREA WHERE THE ENGINE IS LOCATED OR HAS INDICATED THAT IT EXPECTS TO ISSUE SUCH AN ORDER AT A CERTAIN TIME; AND (B) THE ENGINE IS LOCATED IN A UTILITY SERVICE BLOCK THAT IS SUBJECT TO THE ROTATING OUTAGE. ENGINE OPERATION SHALL BE TERMINATED IMMEDIATELY AFTER THE UTILITY DISTRIBUTION COMPANY ADVISES THAT A ROTATING OUTAGE IS NO LONGER IMMINENT OR IN EFFECT.
 - 10. THIS ENGINE SHALL NOT BE USED AS PART OF AN INTERRUPTIBLE SERVICE CONTRACT IN WHICH A FACILITY RECEIVES A PAYMENT OR REDUCED RATES IN RETURN FOR REDUCING ELECTRICAL LOAD ON THE GRID WHEN REQUESTED TO DO SO BY THE UTILITY OR THE GRID OPERATOR.
 - 11. THIS ENGINE SHALL BE A US EPA CERTIFIED, NON-ROAD COMPRESSION-IGNITION ENGINE, AS EVIDENCED BY THE MANUFACTURER'S ENGINE TAG.

FILE COPY



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive, Diamond Bar, CA 91765

Page 3
Permit No.
G4557
A/N-502152

PERMIT TO OPERATE

NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY SHALL BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

By Dorris M. Bailey/WC01

10/1/2009

FILE COPY