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May 3, 2023

Hearing Board
c/o Clerk of the Board
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
ClerkofBoard@aqmd.gov

Re: *Order for Abatement – Stipulated Annual Status and Modification Hearing
Before the Hearing Board of the South Coast Air Quality Management District
Case No. 6124-2*

Dear Hearing Board:

Thank you for your May 3, 2023, email relaying both Vice Chair Pearman's discovery of a typographical error in paragraph 36 of the Proposed Order, as well as a question. The City of San Bernardino Municipal Water Department (Department) provides herewith a corrected Proposed Order, that addresses the typographical error in paragraph 36, as well as revises former paragraph 38, which was the paragraph giving rise to Vice Chair Pearman's question below. The Department reformatted paragraphs 37-40 to be sub-paragraphs of paragraph 36. The Department further provides its response:

QUESTION NO. 1: "Paragraph 38 indicates a reason for delay in final compliance is the need to obtain the delivery of unit **591** replacement. But there's no substantive discussion about unit 591 delivery timetable, etc., although mentioned in the declaration at pgh. 20. Contrast to the unit 186 delivery delay – you do discuss that in paragraph 39 of the proposed order. Perhaps the thinking was, if it's delivered in August of 2023 as planned, there would have been no need to amend the timetables in the order?"

RESPONSE TO QUESTION NO. 1: The Department anticipates taking delivery of the replacement vehicle for Unit No. 591 in August 2023, which is within the jurisdictional window of the Current Order. The basis for seeking to extend the Hearing Board's jurisdiction over this matter until 2024 under the Proposed Order is because of the inability to take delivery of Unit No. 186's replacement vehicle prior to December 2023.

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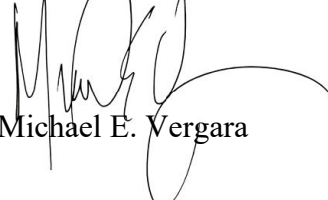
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Paragraph 38 of the Proposed Order provides rationale and basis for deeming complete (and eliminating) the obligation of the Department to submit quarterly status reports under Condition 4. Conditions 2 and 6 cover fully the milestones remaining for the Department to achieve compliance with the Current Order (i.e., taking delivery of the final two replacement vehicles and decommissioning and disposing of Unit Nos. 591 and 186). Those milestones, together with the current status of the matter, render Condition 4 redundant. The Department added a sentence to this effect in paragraph 38. Thus, in the Proposed Order, the Parties propose eliminating the ongoing obligation to submit quarterly status reports under Condition 4.

Paragraph 20 of the Declaration of Ms. Shepardson provides the Hearing Board with an update on the Department's compliance with Condition 2 of the Current Order. Because of the delay associated with taking delivery of Unit No. 591's replacement vehicle, the Department cannot presently decommission and dispose of Unit No. 591 and, thus, cannot provide notice to SCAQMD of such actions, as required by Condition 2.

Very truly yours,



Michael E. Vergara

Enclosures

cc: Kathryn Roberts (kroberts@aqmd.gov)

MEV:sl