BEFORE THE HEARING BOARD OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
MINUTE ORDER

BOOSTER FUELS, INC.
1840 Gateway Drive, Suite200
San Mateo, CA 94404

Case No: 6171-4
Facility ID: 186947

2345 Barranca Parkway
Tustin, CA 92782

Facility ID: 196223
Facility ID: 196224
Facility ID: 196225
Facility ID: 196226
Facility ID: 196243

Hearing Date: 06/30/2022 ***Hearing Type:*** Interim ***Consent Calendar:***

Next Hearing:8/3/22

HEARING BOARD ACTION

Action: DISMISSED ***Starting Date:*** 00/00/0000 ***Ending Date:*** 00/00/0000

RULES

203(b) {from Permit Condition Nos. 21 and 41 of Permits to Operate (P/O) Nos. G67997, G67998, G67999, G68000, G68001 and Permit to Construct (P/C/O) No. G68039}

461.1(g)(3)

461.1(g)(4)

EQUIPMENT DESCRIPTION	*DEVICE/APPLICATION/PERMIT*
Mobile Fueling On-Demand (MFOD) -Gasoline	A/N 629563 A/N 629564 A/N 629565 A/N 629566 A/N 629567 A/N 629569

REMINDER

The Regular Variance is scheduled for <u>August 3, 2022</u>.

Present:
Cynthia Verdugo-Peralta, Chair
Mohan Balagopalan, Vice Chair
Dr. Allan Bernstein, DPM
Micah Ali, Alternate
Robert Pearman, Esq.

Representing the Petitioner:
Ryan Hiete, Attorney at Law
Barry Groveman, Attorney at Law

Representing the Respondent:
Brian Tomasovic, Principal Deputy District Counsel

Witnesses for the Petitioner:
Oliver (Ollie) Browne, Vice President, Policy & Regulatory
Taylor Henderson, Policy Manager

Petitioner's Exhibits:
#1 - California Air Resources Board (CARB) Executive Order VR-6-1-A
#2 - Permits to Operate Nos. G67997, G67998, G67999, G68000, and G68001
#3 - Permit to Construct No. G68039
#4 - Reply to South Coast AQMD's Request for Official Notice
#5 - Declaration In Support of Booster Fuels, Inc.'s Reply to Request for Official Notice
#6 - Email from Healey at Orange County Fire Authority to Henderson dated March 19, 2020
#7 - Table, Status Engagement with Local Fire Authorities

Respondent's Exhibits:
A - South Coast AQMD's Request for Official Notice
B - Proposed Interim Variance Conditions

Comments:
Testimony was presented that the petitioner will need additional time to obtain the required written authorization from more than twenty (20) fire authorities in the designated areas of the South Coast air basin. This is the region where their Mobile Fueling On Demand (MFOD) units dispense fuel. Per Rule 461.1., the deadline to accomplish this is July 1, 2022. Petitioner testified that in October of 2021, they were heavily involved in the development of Rule 461.1, which was ultimately adopted in January of 2022. Petitioner testified that contact has been made with the majority of the stated fire authorities, however, they have been told that this is a low priority consideration for the fire authorities, at this time. The fire authorities also had

questions regarding the permitting language required to meet Rule 461.1. Petitioner further testified that in May of 2022, they were still working on this issue. They determined that they may not be able to meet the requirements for the July 2022 deadline. If petitioner had been diligent, they could have filed for a variance in May of 2022. They could have explored other remedies and could have had a noticed hearing take place on/or before June 30, 2022. Therefore, for this reason, the Board could not find good cause to consider an interim variance, without notice to the public, pending the Board's decision on Petitioner's request for regular variance.

Motion: Lack of Due Diligence	**Verdugo-Peralta/Pearman**	3-2, Balagopalan & Bernstein vote No.

Board Review/Approval Cynthia V. Peralta
Cynthia Verdugo-Peralta, Chair

Dated 07/08/22

Prepared by Altheresa Rothschild