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**BEFORE THE HEARING BOARD OF THE  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

In the Matter of

ECO SERVICES OPERATIONS CORP.,

[Facility I.D. No. 180908]

Section 42350 of the California Health and Safety  
Code

Case No. 6258-2

**(PROPOSED)  
ORDER GRANTING AN EMERGENCY  
VARIANCE**

Hearing Date: July 10, 2025

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**FINDINGS AND DECISION OF THE HEARING BOARD**

This petition for an emergency variance was heard on the consent calendar on July 10, 2025. The matter was placed on the Consent Calendar pursuant to the Joint Stipulation to Place Matter on Consent Calendar. The following members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Vice Chair; Jerry P. Abraham, MD, MPH, CMQ; Cynthia Verdugo-Peralta, and Mohan Balagopalan. Petitioner Eco Services Operations Corp. (hereinafter "Petitioner" or "Eco Services") was represented by Aron Potash, of the law firm of Latham & Watkins. Respondent, Executive Officer, was represented by John Jones, Senior Deputy District Counsel. Counsel for Petitioner and respondent did not appear during the Consent Calendar hearing. The public was given the opportunity to testify. The Declaration of Joseph Saitta was received as evidence and the Proposed Findings and Decision of the Hearing Board was received as an exhibit, and the case submitted. The hearing was bifurcated, and the Board made the Good Cause Findings before proceeding to the merits of the emergency variance. The Hearing Board finds and decides as follows:

PETITIONER: CASE NO. 6258-2  
Exhibit No. 7 Consisting of 14 pages  
Identification 7/10/25 Evidence \_\_\_\_\_

1 Nature of Business and Location of Facility

2       Petitioner, located at 20720 S. Wilmington Avenue, Long Beach, California, is a sulfuric  
3 acid production and regeneration facility. Petitioner provides sulfuric acid products to petroleum  
4 refineries, including refineries within the SCAQMD footprint, to produce alkylate, a key blending  
5 stock for cleaner burning gasoline.

6 Equipment and Permit to Construct/Operate

7       The equipment that is the subject of this petition is the SO<sub>2</sub> analyzer and NO<sub>x</sub> analyzer  
8 located at stack S151 downstream of scrubber C148, a component of the emissions controls at  
9 Petitioner's sulfuric acid plant ("Facility"). The equipment is operated pursuant to RECLAIM  
10 Permit No. 180908, dated January 1, 2024 ("Facility Permit").

11 SUMMARY

12       Petitioner will be in violation of District Rules 203(b), 2004(f)(1), 2011(c)(2)(A),  
13 2012(c)(2)(A), and 3002(c)(1) because such District Rules require Petitioner to comply with all  
14 Facility Permit conditions and maintain and operate a direct monitoring device for each major SO<sub>x</sub>  
15 and NO<sub>x</sub> source, and Petitioner will not be able to resume monitoring the vent stream at the outlet  
16 of scrubber C148 until Petitioner has completed repairing the stack SO<sub>2</sub> and NO<sub>x</sub> analyzers that  
17 have malfunctioned. Because the stack SO<sub>2</sub> and NO<sub>x</sub> analyzers are presently malfunctioning,  
18 absent this variance, Petitioner would be in violation of the provision of Facility Permit Section  
19 F(III), Condition D(1), requiring Petitioner to install, maintain, and operate a monitoring device for  
20 each major SO<sub>x</sub> source to continually measure the concentration of SO<sub>x</sub> emissions, Condition No.  
21 S42.1, requiring operation of the SO<sub>2</sub> analyzer at stack S151 to show compliance with Facility  
22 emissions limits, Condition No. D82.3, requiring the operation of a CEMS to measure SO<sub>2</sub> at all  
23 times to demonstrate compliance with Condition No. S42.1, and Section F(I), requiring Petitioner  
24 to install, maintain, and operate a monitoring device for each major NO<sub>x</sub> source to continually  
25 measure the concentration of NO<sub>x</sub> emissions, as well as the provisions of Administrative  
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1 Condition No. 2 requiring the operator to maintain all equipment and ensure the proper operation  
2 of the equipment.

3 **FINDINGS OF FACT**

4 ***Good Cause for Emergency Variance***

5 Following are the facts and conclusions supporting the showing of good cause for why the  
6 petition was not filed in sufficient time to issue the required public notice:

7 **a. The petitioner for a variance is, or will be, in violation of Section 41701 or of**  
8 **any rule regulation or order of the District.**

9 1. The SO<sub>2</sub> and NO<sub>x</sub> analyzers unexpectedly failed calibration and are currently  
10 nonoperational, so Petitioner is currently in violation of the provisions of Facility Permit Section  
11 F(III), Condition D(1), requiring Petitioner to operate a monitoring device to continually measure  
12 the concentration of SO<sub>x</sub> emissions, Condition No. S42.1, requiring the SO<sub>2</sub> analyzer to show  
13 compliance with Facility emissions limits, and Condition No. D82.3, requiring the operation of a  
14 CEMS to measure SO<sub>2</sub> at all times to demonstrate compliance with Condition No. S42.1, and  
15 Section F(I), requiring Petitioner to operate a monitoring device to continually measure the  
16 concentration of NO<sub>x</sub> emissions, as well as the provisions of Administrative Condition No. 2  
17 requiring the operator to maintain all equipment and ensure the proper operation of the equipment.

18 2. Accordingly, Petitioner is in violation of District Rules 203(b), 2004(f)(1) and  
19 3002(c)(1), which require compliance with permit conditions, as well as Rule 2011(c)(2)(A),  
20 which requires that the Facility Permit holder of a major SO<sub>x</sub> source continuously measure the  
21 concentration of SO<sub>x</sub> emissions or fuel sulfur content, and Rule 2012(c)(2)(A), which requires that  
22 the Facility Permit holder of a major NO<sub>x</sub> source continuously measure the concentration of NO<sub>x</sub>  
23 emissions. The facility will be unable to meet the requirements of Rule 2011(c)(2)(A) and Rule  
24 2012(c)(2)(A) because the SO<sub>2</sub> and NO<sub>x</sub> analyzers failed and are undergoing repairs.

25 **b. The circumstances leading to the violation could not reasonably have been**  
26 **avoided by petitioner, or anticipated in sufficient time to provide for public notice of the**  
27 **variance hearing.**  
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1           1.       Petitioner has maintained the analyzers in accordance with manufacturer guidance  
2 and industry standards. The need for repair and variance coverage was both unexpected and  
3 unforeseeable, and not the product of either operator error or neglect. Petitioner could not have  
4 reasonably anticipated the failure of the analyzers, and despite extensive efforts to repair the  
5 analyzers during the 96 hour period allowed by Rule 2011 and Rule 2012, Petitioner has been  
6 unable to repair the analyzers to avoid a potential violation.

7           2.       On June 22, 2025 the SO2 analyzer unexpectedly failed calibration at  
8 approximately 5:17 a.m. While the analyzer was passing calibration based on the analyzer display  
9 reading, the value displayed on the continuous emissions monitoring system ("CEMS") data  
10 acquisition system ("CEMDAS") was 100 ppm off the actual value. Aware of the 96-hour repair  
11 period in Rule 2011, Petitioner immediately took action to troubleshoot, attempt to repair, and  
12 address the cause of the analyzer failure.

13           3.       Beginning immediately after the failed calibration, Petitioner had its  
14 instrumentation and electrical ("I&E") technicians initiate attempts to diagnose and repair the  
15 analyzer, including multiple attempts at calibration, analyzer component checks, calibration gas  
16 cylinder replacements and programmatic logic controller ("PLC")/communication equipment  
17 diagnostics, attempted to obtain a SCAQMD-approved temporary analyzer during the diagnostic  
18 and repair period, and reached out to third-party equipment service technicians, ESC Spectrum and  
19 CEMTEK KVB-Enertec, for remote support, which did not resolve the issue.

20           4.       Petitioner's I&E technician cleaned the I/O board on the SO2 analyzer in an attempt  
21 to repair that analyzer. This step resulted in the SO2 High passing calibration on June 24, 2025 at  
22 2:52 p.m. Unfortunately, for reasons currently unknown to Petitioner, the NOx Zero and SO2 Low  
23 Span failed calibration at that time. Petitioner noticed an elevated drift for the NOx analyzer  
24 during calibration on June 23rd, although the data remained valid until the calibration failed on  
25 June 24th. There had been no previous issues with the NOx calibration. Petitioner's I&E  
26 technician purged the system and conducted continuous calibrations without resolving the  
27 malfunction.

1           5.       Once Petitioner's in-house I&E technicians and the remote technicians determined  
2 that the analyzer issue could not be fixed remotely, and Petitioner immediately requested that ESC  
3 Spectrum send a technician to the facility. The ESC Spectrum technician, based in Indianapolis,  
4 IN, arrived onsite at approximately 2:00 p.m. on June 25, 2025. The ESC Spectrum technician  
5 began troubleshooting and repair efforts at that time. On the evening of June 25, 2025, the SO2  
6 analyzer began passing calibration and continues to operate within control, although it has not  
7 always passed calibration. Petitioner has resumed transmitting SO2 emissions data to the District  
8 as of June 25, 2025. However, the NOx analyzer was unable to be fixed and the ESC Spectrum  
9 technician ordered a part for repair. The part arrived early the morning of June 27, 2025, and the  
10 ESC Spectrum technician worked on repairing the NOx analyzer for the remainder of the day. The  
11 technician was unable to get the NOx analyzer to read consistently and was unable to definitively  
12 diagnose the issue, but the technician believed that the motherboard is causing the sporadic  
13 readings. Based on the ESC Spectrum technician's recommendation, on June 27, 2025, Petitioner  
14 took the NOx analyzer out of service and overnight shipped it to ESC Spectrum's facility in  
15 Indianapolis, IN for further troubleshooting and repair before ESC Spectrum sent it to another one  
16 of their facilities in Pensacola, FL for further troubleshooting and repairs. ESC Spectrum returned  
17 the NOx analyzer to the Facility on July 7, 2025, and Petitioner has begun installation.

18           6.       Because the analyzers' failure were unanticipated breakdowns and, despite  
19 significant efforts by outside experts, repairs were unable to be completed within the time period  
20 allowed under District rules, the petition could not be filed in time for the hearing to be announced  
21 to the public.

22           **c.       Petitioner exercised diligence in petitioning for the emergency variance and**  
23 **scheduling the emergency variance hearing; "diligence in petitioning for the variance" shall**  
24 **mean that Petitioner filed a variance petition as soon as feasible after the time Petitioner**  
25 **knew or should have known that a variance would, more likely than not, be needed.**

26           1.       As soon as it became clear that remote support would not resolve the issue,  
27 Petitioner began drafting its petition for an emergency variance and (prior to the Rule 2011 and  
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1 2012 deadline) notified District compliance staff of its intent to do so. Petitioner advised the  
2 assigned SCAQMD air quality engineer of the issues and of its intent to file this petition, as well as  
3 potential variance conditions with SCAQMD staff.

4 2. Petitioner promptly filed its petition for emergency variance on June 25, 2025, prior  
5 to the expiration of the repair period allowed by Rules 2011 and 2012. Petitioner worked with the  
6 Clerk of the Board to promptly schedule a hearing on the variance.

7 **d. A denial of the emergency variance will result in either: (a) An increase in the**  
8 **emissions of air pollutants, an adverse impact to air quality, and/or an adverse impact on**  
9 **public health or welfare; or (b) An unreasonable and unavoidable adverse impact to**  
10 **Petitioner.**

11 1. Denial of the variance would cause significant harm to Petitioner in that denial  
12 could force Petitioner to shut down the Facility, resulting in a loss of sales of approximately  
13 \$200,000 per day if the variance were not granted. The facility's product is used by various  
14 refineries, including nearby refineries owned and operated by Chevron Corporation and Marathon  
15 Petroleum Corporation, to produce alkylate for cleaner burning gasoline. Disruptions to the supply  
16 of the facility's product would affect gasoline prices and availability as the product is needed by  
17 refineries to produce alkylate (a high octane, low sulfate component of cleaner gasoline). Eco  
18 Services' failure to supply its product to its customers would be a breach of contract, and estimated  
19 losses for Eco Services would be approximately \$200,000 per day. The economic loss to the  
20 Chevron Corporation and Marathon Petroleum Corporation refineries is estimated to be over  
21 \$1,000,000 per day per refinery. In addition, at least 10 employees may be laid off if the variance  
22 were not granted and an extended facility shutdown were needed. As such, denial of the variance  
23 would result in financial impacts to Petitioner and other refineries that would be unreasonable and  
24 unavoidable.

25 2. Further, no excess emissions are anticipated during the variance period as Petitioner  
26 has agreed to modulate the pH of the scrubber solution in Scrubber C148 to minimize SO2  
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emissions and to control the air-gas ratio within a narrow band to minimize NOx emissions associated with combustion venting through stack S151.

***Health and Safety Code Section 42352***

Following are the facts and conclusions supporting the findings set forth in Health and Safety Code Section 42352 necessary to grant the variance. The Executive Officer did not oppose the granting of the variance.

**a. The petitioner for a variance is, or will be, in violation of Section 41701 or of any rule regulation or order of the District.**

1. The stack SOx and NOx analyzers have failed and are currently malfunctioning, so Petitioner is currently in violation of Facility Permit Section F(III), Condition D(1), requiring Petitioner to operate a monitoring device to continually measure the concentration of SOx emissions, Condition No. S42.1, requiring the SO2 analyzer to show compliance with Facility emissions limits, Condition No. D82.3, requiring the operation of a CEMS to measure SO2 at all times to demonstrate compliance with Condition No. S42.1, Section F(I), requiring Petitioner to operate a monitoring device to continually measure the concentration of NOx emissions, as well as the provisions of Administrative Condition No. 2 requiring the operator to maintain all equipment and ensure the proper operation of the equipment. Petitioner is accordingly in violation of District Rules 203(b), 2004(f)(1) and 3002(c)(1), which require compliance with permit conditions. In addition, Petitioner is in violation of Rule 2011(c)(2)(A) and Rule 2012(c)(2)(A), which require that the Facility Permit holder of major SOx and NOx sources, respectively, continuously measure the concentration of SOx emissions or fuel sulfur content and NOx emissions.

**b(1). Non-compliance with District Rule(s) is due to conditions beyond the reasonable control of the petitioner.**

1. On June 22, 2025, the SO2 analyzer unexpectedly failed calibration at approximately 5:17 a.m. After the failed calibration, Petitioner had its instrumentation and electrical (I&E) technicians attempt to diagnose and repair the issue, attempted to obtain a SCAQMD-approved temporary analyzer during the diagnostic and repair period, and reached out

1 to third-party equipment service technicians (ESC Spectrum and CEMTEK KVB-Enertec) for  
2 remote support.

3         2.       The Petitioner's I&E technician cleaned the I/O board on the SO2 analyzer in an  
4 attempt to repair that analyzer. This step resulted in an SO2 High passing calibration on June 24,  
5 2025 at 2:52 p.m. Unfortunately, for reasons currently unknown to Petitioner, the NOx Zero &  
6 SO2 Low Span failed calibration at that time. Petitioner noticed an elevated drift for the NOx  
7 analyzer during calibration on June 23, 2025, although the data remained valid until the calibration  
8 failed on June 24, 2025. There had been no previous issues with the NOx calibration. Petitioner's  
9 I&E technician purged the system and conducted continuous calibrations without resolving the  
10 malfunction.

11       3.       As discussed above, the technician determined that the issue could not be fixed  
12 remotely, and Petitioner immediately requested that ESC Spectrum send a technician to the  
13 facility. The third-party technician arrived on-site on June 25, 2025 at approximately 2:00 p.m.  
14 and has been working since to diagnose and repair the issues. The ESC Spectrum technician began  
15 troubleshooting and repair efforts at that time. On the evening of June 25, 2025, the SO2 analyzer  
16 began passing calibration and continues to operate within control. Petitioner has resumed  
17 transmitting SO2 emissions data to the District as of June 25, 2025. However, the NOx analyzer  
18 was unable to be fixed and the ESC Spectrum technician ordered a part for repair. The part arrived  
19 early the morning of June 27, 2025, and the ESC Spectrum technician worked on repairing the  
20 NOx analyzer for the remainder of the day. The technician was unable to get the NOx analyzer to  
21 read consistently and was unable to definitively diagnose the issue, but the technician believed that  
22 the motherboard is causing the sporadic readings. Based on the ESC Spectrum technician's  
23 recommendation, on June 27, 2025, Petitioner took the NOx analyzer out of service and overnight  
24 shipped it to ESC Spectrum's facility in Indianapolis, IN for further troubleshooting and repair  
25 before ESC Spectrum sent it to another one of their facilities in Pensacola, FL for further  
26 troubleshooting and repairs . ESC Spectrum returned the NOx analyzer to the Facility on July 7,  
27 2025, and Petitioner has begun installation.



1           4.       Because the analyzers' failure was an unanticipated breakdown and repairs were  
2       unable to be completed within the time period allowed under District rules, the petition could not  
3       be filed in time for the hearing to be announced to the public.

4           5.       As discussed above, because the analyzers have failed and are currently  
5       malfunctioning, Petitioner is currently in violation of various permit conditions (Facility Permit  
6       Sections F(I) and (III), Condition D(1), Condition No. S42.1, Condition No. D82.3) and District  
7       Rule 2011(c)(2)(A) and Rule 2012(c)(2)(A) requiring the Petitioner to monitor Facility SOx  
8       emissions and NOx emissions, respectively. Petitioner is also in violation of Administrative  
9       Condition No. 2 requiring the operator to maintain all equipment and ensure the proper operation  
10      of the equipment. Petitioner is accordingly in violation of District Rules 203(b), 2004(f)(1) and  
11      3002(c)(1), which require compliance with permit conditions.

12          6.       Compliance is beyond Petitioner's reasonable control as the analyzers need to be  
13      repaired. The failure incident is both unexpected and was unforeseeable.

14          **b(2). Requiring compliance would result in either (1) an arbitrary or unreasonable**  
15      **taking of property, or (2) the practical closing and elimination of a lawful business.**

16          1.       Denial of the variance would cause significant harm to Petitioner in that Petitioner  
17      may be forced to shut down the Facility while the repairs to the analyzers are performed. The  
18      Facility's product is used by various refineries, including nearby refineries owned and operated by  
19      Chevron Corporation and Marathon Petroleum Corporation, to produce alkylate (a high octane,  
20      low sulfate component of cleaner gasoline) for cleaner burning gasoline. Disruptions to the supply  
21      of the Facility's product will affect gasoline prices and availability as the product is needed by  
22      refineries to produce alkylate. Eco Services' failure to supply its product to its customers would  
23      be a breach of contract, and estimated losses for Eco Services are approximately \$200,000 per day.  
24      The economic loss to the Chevron Corporation and Marathon Petroleum Corporation refineries  
25      were Eco Services to cease operation is estimated to be over \$1,000,000 per day per refinery.

26          **c.       The closing or taking would be without a corresponding benefit in reducing air**  
27      **contaminants.**

1        1.        The closing or taking that would occur were the variance petitioner denied and the  
2 facility were forced to cease operations would be without a corresponding benefit in reducing air  
3 contaminants as, if the variance is granted, no excess emissions are anticipated.

4        2.        Petitioner has agreed to continuously monitor the pH of the scrubber solution in  
5 Scrubber C148 to ensure that SO<sub>2</sub> emissions from the scrubber are minimized and there are no  
6 excess emissions. There is a strong correlation between scrubber pH and SO<sub>2</sub> emissions control.  
7 When scrubber pH exceeds 7 s.u., SO<sub>x</sub> concentrations at the outlet of the scrubber are almost  
8 always below 10 ppm. As a condition of this variance, Petitioner will continue to monitor the  
9 scrubber solution pH to ensure it remains at or above 7 s.u. during the variance period.

10       3.        Petitioner has also agreed to control the air-gas ratio within a narrow band (6 to 10  
11 over a 24-hour rolling basis) to minimize NO<sub>x</sub> emissions associated with combustion venting  
12 through stack S151 because when maintaining the air-gas ratio within this band, NO<sub>x</sub> emissions  
13 concentrations remain relatively constant between 10 and 20 ppm. The Facility is also in NO<sub>x</sub>  
14 RECLAIM. NO<sub>x</sub> emissions are anticipated to remain the same during the variance period as they  
15 have been historically. In accordance with RECLAIM missing data procedures, Petitioner is  
16 obligated to obtain RECLAIM trading credits equal to its reported emissions.

17       **d.        The applicant for the variance has given consideration to curtailing operations**  
18 **of the source in lieu of obtaining a variance.**

19       1.        Petitioner has considered curtailment or termination of operations in lieu of  
20 obtaining a variance. Curtailment or termination would lead to significant economic losses  
21 without any air emissions benefit. Specifically, as noted above, the plant will ensure there are no  
22 excess emissions by utilizing scrubber pH as a control parameter such that there would not be a  
23 corresponding benefit in reducing air contaminants in the event of curtailment or closing and by  
24 controlling the air-gas ratio within a narrow band such that NO<sub>x</sub> emissions concentrations remain  
25 relatively constant, between 10 and 20 ppm. Also, the Facility and its customers would suffer  
26 significant economic loss as a result of any shutdown. Further, local gasoline customers would  
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1 also be negatively impacted by a cessation of production at the Facility, as shutting down  
2 production at the Facility could reduce gasoline supply and increase prices.

3 **e. During the period the variance is in effect, the applicant will reduce excess**  
4 **emissions to the maximum extent feasible.**

5 1. During the period that the variance is in effect, there will be no excess emissions.  
6 Nonetheless, Petitioner is agreeing to reduce excess emissions to the maximum extent feasible by  
7 complying with the conditions of the Order, and will also be required to purchase additional  
8 RECLAIM trading credits in accordance with RECLAIM missing data procedures. By Petitioner  
9 purchasing additional RECLAIM trading credits and increasing the demand for RECLAIM trading  
10 permits, thereby increasing prices, it will become more expensive for others to emit. As a net  
11 result, basin-wide NOx emissions may be decreased.

12 **f. During the period the variance is in effect, the applicant will monitor or**  
13 **otherwise quantify emission levels from the source, if requested to do so by the district, and**  
14 **report these emission levels to the district pursuant to a schedule established by the district.**

15 1. Petitioner will monitor emissions during the variance period. During the duration  
16 of the analyzers' repair, i.e., the SO2 and NOx analyzers downtime, the Facility will estimate SO2  
17 emissions using approved SCAQMD data substitution methods pursuant to Rule 2011, Appendix  
18 A, Chapter 2 (Major Sources) and estimate NOx emissions using approved SCAQMD data  
19 substitution methods pursuant to Rule 2012, Appendix A, Chapter 2. Specifically, Petitioner is  
20 continuously monitoring exhaust gas flow rate and will continue to do so during the period the  
21 variance is in effect. Petitioner is also continuously monitoring the pH of the scrubber solution in  
22 Scrubber C148 to ensure it remains at or above 7 s.u. during the variance period. Petitioner is also  
23 controlling the air-fuel ratio within the range of 6 to 10 over a 24-hour rolling basis. When  
24 maintaining the air-gas ration within this band, NOx emissions concentrations remain relatively  
25 constant, between 10 and 20 ppm.

**CONCLUSION AND ORDER**

THEREFORE, good cause appearing, the Hearing Board orders as follows:

A. Petitioner is granted an emergency variance from District Rules 203(b), 2004(f)(1), 2011(c)(2)(A), 2012(c)(2)(A), and 3002(c)(1), from Conditions No. S42.1, D82.3, Section F(I), Section F(III), Condition D(1), and Administrative Conditions No. 2 (Section E) of RECLAIM Permit No. 180908 for the period commencing June 26, 2025, and continuing through final compliance, but no later than August 1, 2025.

B. The variance granted herein is subject to the following conditions:

1. The Petitioner shall install and maintain a pH monitoring device to continuously record the pH of the inlet scrubbing solution to Scrubber C148. The pH shall be maintained at or above 7.0 standard units (s.u.), based on a one-hour rolling average, during Scrubber C148 operations throughout the variance period.

2. The Petitioner shall conduct and document daily inspections and/or calibrations of the pH monitoring system during Scrubber C148 operations to ensure the analyzer is operating properly and continuous feedback is being received. Records of inspections and calibrations shall be submitted via email to Tung Allen Vu ([tallenvu@aqmd.gov](mailto:tallenvu@aqmd.gov)) every Tuesday until final compliance is achieved.

3. The Petitioner shall notify South Coast AQMD within 60 minutes by calling 1-800-CUT-SMOG if the pH in Scrubber C148 falls below 7.0 s.u., based on a one-hour rolling average, during Scrubber C148 operations throughout the variance period or the ~~hourly~~ scrubber flow rate falls below 600 gpm..

4. The Petitioner shall install and maintain a continuous monitoring device to record the air-to-fuel ratio of the Sulfuric Acid Furnace (D1) burner.

5. The Petitioner shall control the air-to-fuel ratio for each of the two Dutch ovens feeding air and fuel into the Sulfuric Acid Furnace (D1) on a volumetric basis within the range of 6 to 10, based on a 24-hour rolling average, to minimize NOx emissions during Sulfuric Acid

1 Furnace (D1) operations, except for a 24-hour period following startup after a shutdown. Startup  
2 following a shutdown shall mean, for each of the Dutch ovens, the start of natural gas flow  
3 following shutdown of such Dutch oven. The Petitioner shall notify South Coast AQMD prior to a  
4 shutdown by calling 1-800-CUT-SMOG.

5 6. The Petitioner shall maintain records of Scrubber C148 pH and air-to-fuel ratio data  
6 during the variance period and submit them via email to Tung Allen Vu ([tallenvu@aqmd.gov](mailto:tallenvu@aqmd.gov))  
7 every Tuesday until final compliance is achieved.

8 7. The Petitioner shall conduct and document daily inspections during Scrubber C148  
9 and Sulfuric Acid Furnace (D1) operations to confirm that both the pH analyzer, scrubber flow rate  
10 and air-to-fuel ratio monitoring device are operating properly. Records of these inspections shall  
11 be submitted via email to Tung Allen Vu ([tallenvu@aqmd.gov](mailto:tallenvu@aqmd.gov)) every Tuesday until final  
12 compliance is achieved.

13 8. The Petitioner shall report SOx and NOx emissions using the Missing Data  
14 Procedures outlined in Rule 2011, Appendix A, Chapter 2, and Rule 2012, Appendix A, Chapter 2,  
15 respectively.

16 9. The Petitioner shall immediately notify South Coast AQMD of any complaints  
17 received during the variance period by calling 1-800-CUT-SMOG.

18 10. The Petitioner shall notify the Clerk of the Hearing Board  
19 ([ClerkofBoard@aqmd.gov](mailto:ClerkofBoard@aqmd.gov)) and South Coast AQMD by calling 1-800-CUT-SMOG within 24  
20 hours of achieving final compliance.

21 11. The Petitioner shall pay all applicable fees to the Clerk of the Board or the variance  
22 shall be rendered invalid pursuant to Rule 303(k), excluding excess emissions fees, which shall be  
23 paid within fifteen (15) days of written notification unless otherwise ordered by the Hearing Board.

24 12. The Petitioner shall complete all repairs to the SOx and NOx Continuous Emissions  
25 Monitoring Systems (CEMS) by August 1, 2025, and notify South Coast AQMD within 24 hours  
26 of completion by emailing Tung Allen Vu ([tallenvu@aqmd.gov](mailto:tallenvu@aqmd.gov)) and Christopher Gill  
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1 ([cgill@aqmd.gov](mailto:cgill@aqmd.gov)). In addition, Petitioner shall submit to them and also to the  
2 [ClerkofBoard@aqmd.gov](mailto:ClerkofBoard@aqmd.gov) a report of any root cause analysis conducted. The report should be  
3 submitted no later than 60 days after August 1, 2025.

4 13. The Petitioner shall achieve final compliance no later than August 1, 2025, and  
5 notify the Clerk of the Hearing Board ([ClerkofBoard@aqmd.gov](mailto:ClerkofBoard@aqmd.gov)) and South Coast AQMD by  
6 calling 1-800-CUT-SMOG within 24 hours of doing so.

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