

James Chavez

From: Mohan Balagopalan
Sent: Wednesday, July 9, 2025 2:37 PM
To: Clerk of Board
Subject: Re: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Hi,
Approved for Consent Calendar. Thanks.

Mohan Balagopalan

From: Clerk of Board <Front_PC@aqmd.gov>
Sent: Wednesday, July 9, 2025 2:21 PM
To: Mohan Balagopalan <mbalagopalan@aqmd.gov>
Subject: FW: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Good afternoon,

Attached are the revised proposed findings and decision for your approval for consent calendar.

Clerk of the Boards
South Coast Air Quality Management District

T: (909) 396-2500
F: (909) 396-3317
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From: Samantha.Seikkula@lw.com <Samantha.Seikkula@lw.com>
Sent: Wednesday, July 9, 2025 2:15 PM
To: Clerk of Board <Front_PC@aqmd.gov>; John Jones <JJones@aqmd.gov>
Cc: Aron.Potash@lw.com
Subject: [EXTERNAL] RE: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Thank you, that is acceptable to Petitioner. An updated Proposed Findings and Decision is attached. We accepted the previous revisions and included this new revision in track changes.

From: Clerk of Board <Front_PC@aqmd.gov>
Sent: Wednesday, July 9, 2025 2:05 PM
To: John Jones <JJones@aqmd.gov>; Seikkula, Samantha (SD) <Samantha.Seikkula@lw.com>
Cc: Potash, Aron (LA) <Aron.Potash@lw.com>
Subject: FW: Eco Services - Emergency Variance Petition (Case No. 6258-2)

HEARING BOARD: CASE NO. <u>6258-2</u>	
Exhibit No. <u>HB-1</u>	Consisting of <u>7</u> pages
Identification <u>7/10/25</u>	Evidence _____

Please provide the response. If acceptable, can you please provide an updated Proposed Findings and Decision.

Thank you,

**Clerk of the Boards
South Coast Air Quality Management District**

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From: Mohan Balagopalan
Sent: Wednesday, July 9, 2025 2:03 PM
To: Clerk of Board <Front_PC@aqmd.gov>
Subject: Re: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Hi,
I prefer it to be done before the variance ends; however, if that is not possible, I suggest the following.

The report should be submitted no later than 60 days after August 1, 2025. Let me know if that is acceptable.

Mohan Balagopalan

From: Clerk of Board <Front_PC@aqmd.gov>
Sent: Wednesday, July 9, 2025 1:14 PM
To: Mohan Balagopalan <mbalagopalan@aqmd.gov>
Subject: FW: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Please provide a response to below question

**Clerk of the Boards
South Coast Air Quality Management District**

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From: Samantha.Seikkula@lw.com <Samantha.Seikkula@lw.com>
Sent: Wednesday, July 9, 2025 1:00 PM
To: John Jones <JJones@aqmd.gov>; Clerk of Board <Front_PC@aqmd.gov>
Cc: Aron.Potash@lw.com
Subject: [EXTERNAL] RE: Eco Services - Emergency Variance Petition (Case No. 6258-2)

These conditions are also acceptable to Petitioner – however, we'd ask for some clarification on the timing for the root cause analysis. Would this be required to be submitted on August 1st, or when it is available (i.e., within X days of the report's completion)? Thank you.

From: John Jones <JJones@aqmd.gov>
Sent: Wednesday, July 9, 2025 11:52 AM
To: Clerk of Board <Front_PC@aqmd.gov>; Seikkula, Samantha (SD) <Samantha.Seikkula@lw.com>
Cc: Potash, Aron (LA) <Aron.Potash@lw.com>
Subject: RE: Eco Services - Emergency Variance Petition (Case No. 6258-2)

These changes are acceptable to the District.

From: Clerk of Board <Front_PC@aqmd.gov>
Sent: Wednesday, July 9, 2025 11:38 AM
To: Samantha.Seikkula@lw.com; John Jones <JJones@aqmd.gov>
Cc: Aron.Potash@lw.com
Subject: FW: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Please respond to below and the attached document.

Clerk of the Boards
South Coast Air Quality Management District
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From: Mohan Balagopalan
Sent: Wednesday, July 9, 2025 11:35 AM
To: Clerk of Board <Front_PC@aqmd.gov>
Subject: Re: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Hi,
Please see my edits to the attached Proposed Conditions, 3, 6 & 12.

1. Submit root cause analysis report
2. Maintain a minimum flow rate to scrubber of 600 gpm. This was based on a Case No 6258-1 for a similar issue, failure of SOx analyzer about the same time last year.

Case No 6258-1 - Question and response to scrubber flow

What minimum flow rate needs to be maintained for the scrubber? Since the reporting of the scrubber flow is a condition, as well as the pH, should the flow rate also be listed beside the pH in the proposed condition?

The condition has been revised to include a minimum flow rate of 600 gpm. If the flow rate goes below this level, an alarm will be triggered and the District will be notified.

Please let me know if these revised conditions are acceptable. Thanks.

Mohan Balagopalan

3.

From: Clerk of Board <Front_PC@aqmd.gov>
Sent: Wednesday, July 9, 2025 10:08 AM
To: Mohan Balagopalan <mbalagopalan@aqmd.gov>
Subject: FW: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Good morning,

Please see the below response and attachment.

Clerk of the Boards
South Coast Air Quality Management District
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From: Samantha.Seikkula@lw.com <Samantha.Seikkula@lw.com>
Sent: Wednesday, July 9, 2025 9:48 AM

To: Clerk of Board <Front_PC@aqmd.gov>; John Jones <JJones@aqmd.gov>
Cc: Aron.Potash@lw.com

Subject: [EXTERNAL] RE: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Thank you. We have updated the draft of the proposed order and findings to include the requested language (in track changes).

As for the question, the SOx analyzer continues to exhibit abnormal behavior. In the week since passing calibration, there have nonetheless been a significantly higher rate of zero and span daily calibrations that are much closer to failure than normal, while technically still passing. Further, both analyzers malfunctioned at the same time, suggesting that there may be a shared root cause. Despite intensive efforts since the malfunctions, the root cause of the breakdowns has not yet been identified. As such, the Health and Safety Code section 42352(a)(1) criterion—that a petitioner is or will be in violation—is satisfied, as there is good reason to believe that the SOx analyzer (although presently back in control) is at material risk of soon failing calibration again.

Please let us know if there are any additional questions.

From: Clerk of Board <Front_PC@aqmd.gov>

Sent: Tuesday, July 8, 2025 2:52 PM

To: Seikkula, Samantha (SD) <Samantha.Seikkula@lw.com>; John Jones <JJones@aqmd.gov>

Cc: Potash, Aron (LA) <Aron.Potash@lw.com>

Subject: FW: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Good afternoon,

Please provide a response to the question below.

Thank you,

Clerk of the Boards

South Coast Air Quality Management District

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**South Coast
AQMD**

From: Mohan Balagopalan

Sent: Tuesday, July 8, 2025 2:41 PM

To: Clerk of Board <Front_PC@aqmd.gov>

Subject: Re: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Hi,

I have a question for the parties based on their respective stipulations.

It appears from the Declaration of Mr. Joseph Saitta that "the SO2 analyzer began passing calibration and continues to operate within control, although it has not always passed calibration. Petitioner has resumed transmitting SO2 emissions data to the District as of June 25, 2025."

If that is the case, why the request for relief from Rule 2011 (c) (2)(A) and the associated conditions, as the relief granted by the Board is not retroactive?

Additionally, in the Findings & Decision document, it should be stated that the hearing was bifurcated, and the Board made the Good Cause Findings before proceeding to the merits of the Interim Variance.

I await their responses before deciding to agree to a Consent Hearing. Thanks.

Mohan Balagopalan

From: Clerk of Board <Front_PC@aqmd.gov>
Sent: Tuesday, July 8, 2025 12:12 PM
Cc: Clerk of Board <Front_PC@aqmd.gov>
Subject: FW: Eco Services - Emergency Variance Petition (Case No. 6258-2)

Good afternoon,

Please see attached consent calendar request and documents for Eco Services #6258-2.

Thank you,

Clerk of the Boards
South Coast Air Quality Management District

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F: (909) 396-3317
www.aqmd.gov



From: Samantha.Seikkula@lw.com <Samantha.Seikkula@lw.com>
Sent: Tuesday, July 8, 2025 11:51 AM
To: Clerk of Board <clerkofboard@aqmd.gov>
Cc: John Jones <jjones@aqmd.gov>; Aron.Potash@lw.com
Subject: [EXTERNAL] Eco Services - Emergency Variance Petition (Case No. 6258-2)

Clerk of the Board,

Please find attached proposed consent calendar documents in connection with Hearing Board Case No. 6258-2, agreed with District counsel (copied). These documents include: (1) the parties' Stipulation to place the matter on the consent calendar; (2) Proposed Findings and Order; and (3) a signed Declaration from Joseph Saitta, Unit Production Manager, for Petitioner Eco Services. The matter is scheduled for Thursday, July 10th.

We will provide hard copies of these documents as soon as possible.

Thank you so much for your assistance, and please let us know of any questions.

Best,

Samantha K. Seikkula
she/her/hers

LATHAM & WATKINS LLP
12670 High Bluff Drive
San Diego, CA 92130
Direct Dial: +1.858.509.8457
Email: samantha.seikkula@lw.com
<https://www.lw.com>

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