

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

2025 JAN 23 PM 1:17
CLERK OF THE BOARD

PETITIONER: CALPORTLAND COMPANY

CASE NO: 3221-23

FACILITY ID: 195306

FACILITY ADDRESS: 1490 Rubidoux Blvd

[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: Jurupa Valley, CA 92509

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).

Leanna East, CalPortland

Debbie Murphey, CalPortland

Environmental Specialist

Associate General Counsel

19409 National Trails Hwy

19409 National Trails Hwy

Oro Grande CA Zip 92368

Oro Grande CA Zip 92368

☎ (760) 269-1114 Ext.

☎ (626) 852-6293 Ext.

Fax ()

Fax ()

E-mail least@calportland.com

E-mail dmurphey@calportland.com

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)

Due to extenuating weather conditions, beginning on January 7, 2025, SoCal Edison (SCE) began notifying that there would be a need for Public Safety Power Shutoffs (PSPS). The initial notification estimated outages over 1/7/25-1/8/25; however, our facility endured outages beyond the estimated timeline provided by SCE. An additional notification was sent on January 20, 2025, with expected outages from 1/20/25-1/23/25. With the Clay Fire in Jurupa Valley starting on January 21, 2025, CalPortland anticipates additional outages and has uncertainty of consistent, stable power due to the extreme winds.

Our Crestmore facility has an emergency generator on-site to maintain power in the event of an electrical outage. The outages have required CalPortland to rely on the emergency generator, causing CalPortland to approach the permitted 200-hours per calendar year. CalPortland is requesting a variance petition in anticipation of exceeding the hour limitation for 2025.

As of 1/23/2025, the emergency generator is currently on and has operated 167-hours, leaving a remaining 33 hours, less than two days of usage, for the remainder of 2025. The longest duration the emergency generator was operated under the mandatory outages is 72 hours and 49 minutes. With this in mind, CalPortland anticipates exceeding the 200-hour limit on January 24, 2025.

CalPortland is applying for the ex-parte emergency variance because the next available hearing appointment date would likely be beyond the 200-hour exceedance. Because the ex-parte is only valid for 30-days, CalPortland is applying for an interim variance to remain in compliance until a hearing for the regular variance is scheduled.

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

CalPortland manufactures and sells cement and concrete throughout the western part of the United States, bridging and building communities. We supply high quality materials to ensure that our roads, bridges, and other critical infrastructure are safe. At our Crestmore facility, we have an accredited lab that analyzes our product to guarantee our customers are receiving a quality product to build California.

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 Generator	G66914	N/A	N/A

*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.

The Crestmore Laboratory is required to maintain consistent temperatures and humidity levels for its accreditation, which is critical for CalPortland to continue to provide a safe and quality-assured product. Along with temperature and humidity requirements, there are X-ray machines and ovens that pose potential hazards if they are not turned off correctly.

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

If yes, how often: Monthly Date of last maintenance and/or inspection 1/20/2025

Describe the maintenance and/or inspection that was performed.

Once a month the generator is turned on to ensure the equipment is starting and operating properly. Fuel levels, belts and fans are also checked. All maintenance and emergency hours are logged. In events of extended outages, the generator is checked more often to ensure fuel levels are appropriate.

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
Rule 203(b) Condition No. 4 of facility P/O No. 966914	Due to the anticipated exceedance of the 200-hour per calendar year limit, CalPortland would be in violation of the condition.

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.

SCE shut off power to the Crestmore Laboratory between January 7 and January 15 with additional outages on January 21. Although SCE provided a few notices regarding the shutoffs, the notices have been inconsistent and inaccurate with outages lasting longer than communicated. Due to the extended outages and inconsistencies with the notifications coupled with continued extreme weather conditions, CalPortland is requesting this variance to ensure they are prepared for additional outages and able to perform required maintenance and testing for the remainder of 2025.

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).

From January 7 to January 11 the generator was operating due to a mandatory outage by SCE and on January 11, 2025, CalPortland was notified by SCE that the outages were to continue. On January 14, 2025, the generator had operated for 116-hours. Given that the permit has a limitation of 200-hours, and we were within the first two weeks of the calendar year at the time, Leanna East reached out to South Coast AQMD for guidance.

16. List date(s) and action(s) you have taken since that time to achieve compliance. That the Petition Form HB-V, and any related instructions, include requirement that the Petitioner include a timeline in suitable, chronological format to address the events, dates, and actions called for by Questions 15 and 16, including the dates of

communication with the South Coast AQMD to notify them of the occurrence(s) giving rise to the requested variance.

On January 14, 2025, Leanna East contacted SCAQMD and spoke with Terrence Mann at 5:00 pm. East asked Mann if the Wildfire Executive Order was specific to the whole jurisdiction of SCAQMD, or if it only applied to LA County facilities. The Crestmore Laboratory is located in Riverside County and is not eligible for exemptions granted by the Executive Order. East explained that due to the extreme weather conditions contributing to the devastating fires, the laboratory has been without power and using the generator for an extended period of time. Mann advised East to apply for a variance.

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: \$__Not able to be calculated but significant_____

Number of employees laid off (if any):_____

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

The Crestmore Laboratory offices 50 employees and is a critical component of CalPortland's operations. The laboratory provides QA/QC services to ensure that the company is delivering consistent, quality products to our customers, which include key infrastructure projects. In addition, the laboratory is the main hub for the company's research and development where they are actively researching ways to make quality products while meeting the state's carbon neutrality goals.

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

No, operations are not able to be terminated in lieu of obtaining a variance. Laboratory accreditation is at risk if there is a loss of power. Laboratory services are critical to our operations. Construction projects throughout the state would be delayed or stopped due to the loss of lab accreditation.

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)
NOx	92.73	N/A	92.73

CO	12.10	N/A	12.10
PM	0.60	N/A	0.60

* 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.

These calculations are estimated based on the generator specifications and assuming an average of 12 hours of operation per day. This generator operates at lower emissions levels than that which is specified in Condition 8 of P/O No. 966914.

$$\text{Estimated excess emissions } \left(\frac{\text{lb}}{\text{day}} \right) = \frac{g}{\text{hp} - \text{hr}} * 762\text{hp} * \frac{12\text{hr}}{\text{day}} * \frac{1 \text{ lb}}{453.6\text{grams}}$$

The outages are out of our control and vary in duration. To note, the permit does not restrict on daily usage, nor are there daily emission limits.

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.

The use of this generator is solely for emergency purposes and for maintenance and testing requirements. The generator automatically powers down once SCE restores power to the facility. CalPortland aims to limit the use of the emergency generator; however, SCE is the determining factor on how long the generator is operating. Reductions are not feasible due to the uncertainty of the mandatory outages.

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.**

Quantifying the emission levels will be calculated using the equation in #20 above with the number of hours operated in excess of the annual 200-hour limit.

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.

Due to the extenuating circumstances with extreme weather, CalPortland intends to achieve compliance with acceptance of this variance submittal by extending the 200-hour limitation set in condition 4 of the permit. As this is the first year that this occurs, CalPortland does not anticipate needing a variance in 2026.

24. State the date you are requesting the variance to begin: _____ 1/24/2025 _____; and the date by which you expect to achieve final compliance: _____ 01/01/2026 _____.

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:

N/A.

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.

____ Terrence Mann (909) 396-3023 _____ Ext. _____

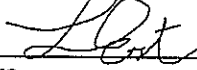
____ Rosalinda Diaz (909) 396-2500 _____ Ext. _____

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

____ Leanna East _____	____ CalPortland Company _____	____ Environmental Specialist _____
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 01/23/2025, at Oro Grande, California



Signature

____ Leanna East _____
Print Name

Title: 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).



South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
PERMIT TO CONSTRUCT/OPERATE

Page 1
Permit No.
G66914
A/N 631641

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(d)) is not received by the expiration date, contact the District.

**Legal Owner
or Operator:**

CALPORTLAND CRESTMORE LABORATORY
19409 NATIONAL TRAILS HWY
ORO GRANDE, CA 92368

ID 195306

Equipment Location: 1490 RUBIDOUX BLVD, JURUPA VALLEY, CA 92509

Equipment Description :

Internal Combustion Engine, Caterpillar, Model No. C15, Diesel-Fueled, Lean Burn, Four-Stroke Cycle,
Turbocharged, Aftercooled, 6-Cylinder, 762 Bhp, 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. An operational non-resettable totalizing time meter shall be installed and maintained to indicate the engine elapsed operating time.
4. This engine shall not be operated more than 200 hours in any calendar year, which includes no more than 50 hours in any calendar year for maintenance and testing purposes, and 4.2 hours per calendar month for maintenance and testing purposes.
5. The operation of the engine 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 the electrical grid operator or electric utility 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 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.
6. This engine shall not be used as part of a demand response program using an interruptible service contract in which a facility receives a payment or reduced rates in return for reducing its electric load on the grid when requested to do so by the utility or the grid operator.
7. This engine shall comply with all applicable requirements of Rule 431.2, Rule 1470, 40 CFR 60 Subpart IIII, and 40 CFR 63 Subpart ZZZZ.
8. This engine shall comply with the following emission limits:

ORIGINAL



South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
PERMIT TO CONSTRUCT/OPERATE

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NMHC + NOx: 4.8 g/bhp-hr
CO: 2.6 g/bhp-hr
PM: 0.15 g/bhp-hr

9. Sulfur content of the diesel fuel supplied to the engine shall not exceed 15 ppm by weight.
10. An engine operating log shall be maintained which on a monthly basis shall list all engine operations in each of the following areas:
 - A. Emergency use hours of operation
 - B. Maintenance and testing hours
 - C. Other operating hours (describe the reason for operation)
11. On or before January 15th of each year, the operator shall record in the engine operating log the following:
 - A. The total hours of operation for the previous calendar year, and
 - B. The total hours of engine operation for maintenance and testing for the previous calendar year.

Engine operating log shall be retained on site for a minimum of three calendar years and shall be made available to the Executive Officer or representative upon request.

ORIGINAL



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21865 Copley Drive, Diamond Bar, CA 91765-4178
PERMIT TO CONSTRUCT/OPERATE

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Permit No.
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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 applicable Rules and Regulations of the South Coast Air Quality Management District (SCAQMD). This permit cannot be considered as permission to violate existing laws, ordinances, regulations or statutes of other government agencies.

Executive Officer

A handwritten signature in cursive script, appearing to read 'J Aspell', is positioned above the printed name.

BY JASON ASPELL/RC14

11/5/2021

ORIGINAL



January 23, 2025

Rosalinda Diaz
SCAQMD Hearing Board
21865 Copley Dr
Diamond Bar, CA 91765

Subject: Petition for Variance
CalPortland Crestmore Laboratory, Permit No. G66914

Dear Ms. Diaz,

CalPortland Company is submitting a Petition for Variance to operate beyond the 200-hour annual operating limit for the Crestmore Laboratory's emergency generator, as outlined in Condition no. 4 of Permit no. G66914. This request is driven by ongoing severe weather events and continued mandatory electrical outages. The Crestmore Laboratory, which is accredited, plays a vital role in providing essential services to ensure the delivery of high-quality products for critical infrastructure projects.

If you need additional information, please contact me at (626) 635-0551.

Sincerely,

Leanna East
Environmental Specialist