

2025 DEC -3 AM 9:03

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

**In The Matter Of**

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT,

Petitioner,

vs.

CHIQUITA CANYON, LLC, a Delaware  
Corporation,  
[Facility ID No. 119219]

Respondent.

Case No. 6177-4

**DECLARATION OF JACOB P.  
DUGINSKI IN SUPPORT OF  
REQUEST FOR SUBPOENA DUCES  
TECUM**

Health and Safety Code § 41700, and District  
Rules 402, 431.1, 3002, 203, 1150

Hearing Date: December 9 and 11, 2025

Time: 9:30 A.M.

Place: Hearing Board  
South Coast Air Quality  
Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

I, Jacob P. Duginski, declare:

1. I am of sufficient age and am competent to testify in this proceeding. I am an attorney at the law firm of Beveridge & Diamond, P.C., and am an attorney for Respondent Chiquita Canyon, LLC (“Chiquita”) in this matter. I make this declaration in support of a proposed Subpoena Duces Tecum (Exhibit A, “Subpoena”) pursuant to Hearing Board Rule 9(a). If called as a witness, I could and would competently testify to the material facts herein.

2. The proposed Subpoena seeks information that is relevant and material to these proceedings, specifically, it would command production of more detailed odor complaint information. South Coast Air Quality Management District (“South Coast AQMD”) has relied on, and testified about, odor complaints throughout the course of this matter. While South Coast AQMD currently provides Chiquita some odor complaint data, these data include only limited information on the location of the complainant and no detail on the complainant’s description of the odor. The Subpoena would direct South Coast AQMD to include the full address of each complainant and the complainant’s description of the odors.

1           3.       To date, South Coast AQMD has presented limited analysis of the complaint data it  
2 receives and relies on, instead lumping complaints into one undefined mass and occasionally noting  
3 some of the odors described or the neighborhoods from which the complaints originated. For example,  
4 Mr. Israel submitted a declaration in advance of the June 2025 hearings without analysis of the  
5 addresses or locations of the complaints. Attached hereto as **Exhibit B** is a true and correct copy of Mr.  
6 Israel's May 30, 2025, declaration. Mr. Israel declared that South Coast AQMD had received "more  
7 than 29,000" odor nuisance complaints alleging the Landfill as the source from January 1, 2023, through  
8 May 29, 2025. (Ex. B, at ¶ 8.) Mr. Israel included that the "types of odors complained of during [May  
9 2025] include sour or spoiled milk, chemical, leachate, and burning odors," and "came from residential  
10 neighborhoods bordering the landfill, including Val Verde, Hasley Hills, Hasley Canyon, Hillcrest  
11 Parkway, Live Oak, and Williams Ranch." (Ex. B, at ¶ 7.) But Mr. Israel did not provide any additional  
12 information or analysis related to the addresses or locations of the complaints.

13           4.       This lack of disclosure and analysis prevents the Hearing Board and Chiquita from  
14 assessing the number of unique complainants, whether the complaints are consistent with meteorological  
15 conditions such that the Chiquita Canyon Landfill could be the source, or determining the scope of any  
16 alleged odor nuisance. Indeed, during the June 24, 2025, hearing, Hearing Board member Mr.  
17 Balagopalan specifically recommended that South Coast AQMD provide more specific address  
18 information related to the odor nuisance complaints to enable both the parties and the Hearing Board to  
19 more accurately analyze (and fully understand) the complaint data. A true and correct copy of an excerpt  
20 of the hearing transcript is attached hereto as **Exhibit C**. Mr. Balagopalan asked Mr. Patrick Sullivan  
21 whether Chiquita had requested and received cross street level, block level, or at least two digits of the  
22 street number identifying the location of odor nuisance complaints. (Ex. C, at 195:25–196:10.) Mr.  
23 Sullivan responded he had not received address data from South Coast AQMD and that the "full data  
24 set" would "improve the accuracy of any analysis." (Ex. C, at 196:2–16.) In closing remarks, Mr.  
25 Balagopalan noted the "critical" nature of the odor complaint data and recommended that South Coast  
26 AQMD provide address data with at least "two digits" of the street number to "help in further analysis."  
27 (*Id.* at 208:13–209:19.)

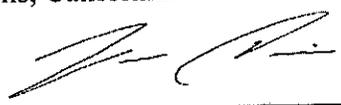
1           5.       Mr. Balagopalan’s suggestion was prescient. South Coast AQMD provided odor  
2 complaint data with full address information to the County of Los Angeles to support the County’s effort  
3 in a different lawsuit against Chiquita, *The People of the State of California, et al. v. Chiquita Canyon,*  
4 *LLC, et al.* (C.D. Cal. No. 2:24-cv-10819-MEMF-MAR). The County disclosed this data to Chiquita,  
5 and Chiquita, for the first time, was able to assess odor complaints with specific address information in  
6 hand. The results of that review are revealing—for example, using this data, Chiquita was able to  
7 determine that more than 50% of the complaints that have led to odor nuisance notices of violation have  
8 come from just 13 households during the timeframes over which such data were disclosed (January 1,  
9 2023–April 23, 2025).

10           6.       Chiquita and the Hearing Board need this data on a going forward basis to properly  
11 assess the scope of any odor nuisance conditions. At present, Chiquita receives the city and street, time,  
12 date, complaint number, and ultimate disposition of how the complaint was resolved. While this  
13 information is helpful, the complainants’ full addresses and the complainants’ own descriptions of the  
14 perceived odors are critical for ensuring the accuracy and validity of Chiquita’s continuing analyses of  
15 the complaint data. For example, Chiquita’s consultants would review the addresses of the complainants  
16 to determine whether winds were blowing in a direction that would potentially result in odors traveling  
17 from the Landfill to the complainant’s location (having just the street name, as Chiquita gets now,  
18 results in a crude and unnecessary level of guesswork). Moreover, having access to the complainant’s  
19 full address, as opposed to just the street, would allow Chiquita’s consultants to pinpoint where odors  
20 potentially attributable to the Landfill may be detected generally, and whether it was even possible for  
21 the complainant to have encountered odors attributable to the Landfill at the time and location the  
22 complaint was made. In turn, this information may help inform which portions of which communities  
23 may be the most impacted, and how, thereby informing which mitigation measures may prove the most  
24 effective.

25           7.       The information sought by the Subpoena is not privileged. South Coast AQMD has  
26 selectively relied on portions of this data throughout these proceedings, and has disclosed this type of  
27 data to other agencies for their use in other litigation.

1           8.       Considering all the circumstances, production of the data sought by the Subpoena would  
2 not be an undue burden on South Coast AQMD, particularly considering that South Coast AQMD  
3 possesses and relies on portions of this data during hearings regarding the Landfill. It is my  
4 understanding that South Coast AQMD maintains a complaint database that already includes the address  
5 information described in the Subpoena, and the production of complaint data with the addresses  
6 unredacted and the complainant's description of the odors included will actually reduce the  
7 administrative burden on South Coast AQMD.

8  
9 Executed on this 2nd day of December, 2025, in Chino Hills, California.



Jacob P. Duginski  
*Attorney for Respondent*  
Chiquita Canyon, LLC

# **EXHIBIT A**

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

**In The Matter Of**

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT,

Petitioner,

vs.

CHIQUITA CANYON, LLC, a Delaware  
Corporation,  
[Facility ID No. 119219]

Respondent.

**Case No. 6177-4**

**SUBPOENA DUCES TECUM**

Health and Safety Code § 41700, and District  
Rules 402, 431.1, 3002, 203, 1150

Hearing Date: December 9 and 11, 2025

Time: 9:30 A.M.

Place: Hearing Board  
South Coast Air Quality  
Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

13 **TO THE CUSTODIAN OF RECORDS OF THE SOUTH COAST AIR QUALITY**  
14 **MANAGEMENT DISTRICT:**

15 YOU are hereby ordered to produce, by December 31, 2025, or by such other date that is agreed  
16 to by the parties, the following records or documents to Chiquita Canyon, LLC:

- 17
- 18 1. ALL RECORDS of complaints submitted to the South Coast Air Quality Management  
19 District ("South Coast AQMD") alleging Chiquita Canyon Landfill (Facility ID 119219) as  
20 the source of nuisance odors from September 5, 2025, through the present, including the full  
21 address of the location of each complainant. The production must include complaints  
22 whether they were received through South Coast AQMD's on-line complaint system  
23 (<https://xapp.aqmd.gov/complaints/NewComplaint.aspx>), 24-hour hotline, or mobile phone  
24 application. The data shall be provided in a sortable, searchable format (e.g., Microsoft  
25 Excel), and shall include: the complaint number; the date and time of the complaint; the full  
26 address of the location of the complainant, including the building number, street name, city  
27  
28

1 or neighborhood, and zip code; the complainant's description of the odor; and a description  
2 of South Coast AQMD's disposition of the complaint;

- 3 2. ALL RECORDS of the raw and GIS-based data underlying the complaints referenced in  
4 paragraph 1, to the extent such data exists and is in the possession, custody, or control of  
5 South Coast AQMD.

6 FURTHER, YOU are hereby ordered to produce within 14 days following the end of each  
7 calendar quarter— or on some time period mutually agreed to by the parties— the following records or  
8 documents to Chiquita Canyon, LLC:

- 9  
10 3. ALL RECORDS of complaints submitted to South Coast AQMD alleging Chiquita Canyon  
11 Landfill (Facility ID 119219) as the source of nuisance odors from the previous quarter. The  
12 data shall be provided in a sortable, searchable format (e.g., Microsoft Excel), and shall  
13 include: the complaint number; the date and time of the complaint; the full address of the  
14 location of the complainant, including the building number, street name, city or  
15 neighborhood, and zip code; the complainant's description of the odor; and a description of  
16 South Coast AQMD's disposition of the complaint; and

- 17  
18 4. ALL RECORDS of the raw and GIS-based data underlying the complaints referenced in  
19 paragraph 3, to the extent such data exists and is in the possession, custody, or control of  
20 South Coast AQMD.

21 Disobedience of this subpoena may be punishable by contempt by the Superior Court of the State of  
22 California.

23 DATED: December \_\_, 2025

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25 \_\_\_\_\_  
26 MICAH ALI, CHAIRMAN OF THE HEARING BOARD  
27 OF THE SOUTH COAST AIR QUALITY  
28 MANAGEMENT DISTRICT

# **EXHIBIT B**

1 OFFICE OF THE GENERAL COUNSEL  
2 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
3 MARY REICHERT, State Bar No. 264280  
4 SENIOR DEPUTY DISTRICT COUNSEL  
5 21865 Copley Drive  
6 Diamond Bar, California 91765-0940  
7 TEL: 909.396.3400 • FAX: 909.396.2961  
8 Email: [mreichert@aqmd.gov](mailto:mreichert@aqmd.gov)

6 Attorneys for Petitioner  
7 South Coast Air Quality Management District

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

11 **In the Matter of**

12 SOUTH COAST AIR QUALITY  
13 MANAGEMENT DISTRICT,

14 Petitioner,

15 v.

16 CHIQUITA CANYON, LLC a Delaware  
17 Corporation,  
18 [Facility ID No. 119219]

19 Respondent.

CASE NO. 6177-4

**DECLARATION OF LAURANCE B.  
ISRAEL IN SUPPORT OF PETITION  
FOR ORDER FOR ABATEMENT**

Health and Safety Code § 41700, and District  
Rules 402, 431.1, 3002, 203, 1150

Hearing Date: June 3 and 17, 2025  
Time: 9:30 a.m.  
Place: Hearing Board  
South Coast Air Quality  
Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

22 I, Laurance B. Israel, declare as follows:

23  
24 1. I am employed as a Supervising Air Quality Inspector within the Toxics and Waste  
25 Management Group of the Office of Compliance and Enforcement at the South Coast Air Quality  
26 Management District ("South Coast AQMD"). I have been employed with the South Coast AQMD  
27 since June 29, 1987 and have held my current position since November 2022. Through my role  
28 with the South Coast AQMD, I am familiar with Chiquita Canyon Landfill (CCL), both from

1 personal visits to and inspections at the facility, as well as through my role supervising other Air  
2 Quality Inspectors within the Toxics and Waste Management Group who conduct inspections at  
3 CCL. I have been conducting inspections and/or supervising other Air Quality Inspectors  
4 conducting inspections at CCL for approximately 33 years.

5 2. I am familiar with the Order for Abatement issued in this matter (Case No. 6177-4)  
6 and have testified in support of the South Coast AQMD's Petition for An Order for Abatement,  
7 and subsequent proposals to modify the Order for Abatement, including the South Coast AQMD's  
8 Proposed Modifications in Exhibits 73 and 74.

9 3. South Coast AQMD's methodology for investigating an odor complaint is designed  
10 to determine whether "air contaminants or other material [are causing] injury, detriment, nuisance,  
11 or annoyance to any considerable number of persons or to the public" pursuant to South Coast  
12 AQMD Rule 402 and California Health and Safety Code Section 41700. South Coast AQMD  
13 developed an internal policy that guides investigations of complaints and issuance of notices of  
14 violation if the prohibition against creating a public nuisance has been violated.

15 4. In residential areas like the neighborhoods bordering CCL, South Coast AQMD's  
16 existing internal policy threshold for issuance of a notice of violation for public nuisance is met  
17 when six individual complaints are verified by an inspector within a 24-hour period. The  
18 complaints must be from separate households—multiple complaints from one household will only  
19 count as one complaint for the purpose of making this determination.

20 5. When inspectors respond to a complaint, they typically meet with the complainant,  
21 ask questions, and assess whether the complained-of air quality issues are present and ongoing.  
22 This is accomplished by assessing whether the complainant themselves still detects the odor and  
23 by relying on the inspector's olfactory senses and historical experience within the geographic  
24 area—as opposed to using specific monitoring tools. This is because many noxious smells can be  
25 more aptly detected by the human nose as compared to a measuring device. If the inspector  
26 confirms in the complainant's presence that the odor is present and ongoing, then this qualifies as  
27 a "verified" complaint.

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1           6.       If the complaint is verified, the inspector then attempts to trace the odor back to a  
2 source, such as the Landfill. An inspector typically traces the source of an odor by measuring the  
3 wind speed and direction where the odor was confirmed and then seeking the same odor at  
4 locations up and down wind—narrowing this range until a single source is identified. Based on the  
5 inspector’s training and knowledge of upwind and downwind emission sources within the  
6 geographic area, and combined with the immediate wind data, the inspector will often be able to  
7 determine the source of the odor. The neighborhoods surrounding CCL have been known to  
8 experience odor issues arising out of CCL operations. That is, as time has passed, and complaints  
9 are continually received relating to the same types of odors in the same geographical area, the  
10 inspectors have become more familiar with the odors. Accordingly, inspectors are able to  
11 differentiate ordinary landfill trash odors from the distinct odors associated with leachate and the  
12 recent subsurface chemical reaction (which often emits a distinctive sour milk odor).

13           7.       The South Coast AQMD has received approximately 570 complaints from the  
14 public alleging odors coming from CCL during the month of May 2025 (as of 9am on May 29,  
15 2025). The types of odors complained of during this time include sour or spoiled milk, chemical,  
16 leachate, and burning odors. The odor complaints came from residential neighborhoods bordering  
17 the landfill, including Val Verde, Hasley Hills, Hasley Canyon, Hillcrest Parkway, Live Oak, and  
18 Williams Ranch. So far during the month of May, a total of eleven Notices of Violation (NOVs)  
19 were issued to CCL for violation of Health and Safety Code Section 41700 and South Coast  
20 AQMD Rule 402, which both prohibit creating an odor public nuisance. This is the greatest  
21 number of nuisance NOVs issued to CCL since October 2024.

22           8.       As of 9am on May 29, 2025, to date in 2025 the District has received more than  
23 2,700 odor nuisance complaints alleging CCL as the source from the public, and the District has  
24 issued 38 NOVs for creating an odor public nuisance. From January 2023 to the present, the total  
25 number of odor nuisance complaints from the public amount to more than 29,000 and  
26 approximately 340 odor nuisance NOVs have been issued. As a comparative example, during the  
27 previous CCL Order for Abatement proceedings from approximately July 2020 to November  
28 2022, South Coast AQMD received approximately 970 complaints and issued 25 NOVs to CCL

1 for public nuisance due to working-face trash odors. The continuing quantity of public odor  
2 complaints received and NOVs issued by South Coast AQMD demonstrate that CCL continues to  
3 create an ongoing odor nuisance.

4 I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct.

6 Executed on this 30<sup>th</sup> day of May, 2025, at Diamond Bar, California.

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Laurance B. Israel

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# EXHIBIT C

BOARD MEETING OF:  
South Coast AIR QUALITY MANAGEMENT DISTRICT  
vs.  
CHIQUITA CANYON, LLC - #6177-44

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JUNE 24, 2025

South Coast AIR QUALITY MANAGEMENT BOARD HEARING  
21865 COPELY DRIVE, DIAMOND BAR, CA 91765

REPORTED BY:  
EILEEN ELDRIDGE, NOTARY PUBLIC  
JOB NO.: 114478

TRANSCRIPT OF PROCEEDINGS

June 24, 2025

1 A P P E A R A N C E S

2 FOR THE BOARD:

3 Micah Ali, Chair, Public Member  
Robert Pearman, Vice Chair, Attorney Member  
4 Jerry P. Abraham, Md, Mph, CmQ, Medical Member  
Mohan Balagopalan, Engineer Member  
5 Cynthia Verdugo-Peralta, Public Member

6 FOR THE PETITIONER:

7 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
By: Kathryn Roberts, Esq., Sr. Deputy District Counsel  
8 Mary Reichart, Esq., Sr. Deputy District Counsel  
Ryan Mansell, Esq., Sr. Deputy District Counsel  
9 21865 Copely Drive,  
Diamond Bar, California 91765  
10 909.396.2734  
kroberts@aqmd.gov  
11 mreichert@aqmd.gov  
rmansell@aqmd.gov

12

13

14 FOR THE RESPONDENT:

15 BEVERIDGE & DIAMOND PC  
By: Megan Morgan, Esq.  
16 Jacob P. Duginski, Esq.  
Leigh S. Barton, Esq.  
17 456 Montgomery Street, Suite 1800  
San Francisco, California 94104  
18 415.262.4000  
mmorgan@bdlaw.com  
19 jduginski@bdlaw.com  
lbarton@bdlaw.com

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1 controlled. So we weren't seeing a bunch of active face  
2 odor complaints leading up to the start of the reaction.

3 So if you go to the period, once those remedial  
4 measures were employed to reduce those emissions, there  
5 wasn't a significant number of complaints in, for  
6 example, 2022 prior to, you know, the reaction starting  
7 that would suggest that there's an ongoing significant  
8 number of complaints that were continuing to occur just  
9 related to fresh trash odors that continued all the way  
10 into 2023 and beyond once the reaction started.

11 Q My question is:

12 Did you look at that breakdown by trash odors  
13 and time of day complaint to see because of -- and I'm  
14 just looking at comparison 2024 and 2025. There has  
15 been a drop, as you indicated, in a number of complaints  
16 and the attribution is the changes that they made to the  
17 landfill.

18 Other factors, what about the daily early  
19 morning trash odors? You don't think that's a factor?

20 A It's hard to assess that factor. I don't think  
21 that was significant coming into that period. And I  
22 don't think that was a significant contributor to the  
23 odors during 2024, so that it was bumping up the 2024  
24 odor counts. I think --

25 Q Okay. I know you -- you did you request -- the

1 complaint data you get, only the street data.

2 Did you request maybe like a block level data  
3 from the District?

4 A I have not. But I believe it's been requested.  
5 And certainly in other cases we've gotten at least cross  
6 streets.

7 Q Or even two digits?

8 A Two digits of the number rather than the whole  
9 number of the street.

10 Q Yeah.

11 A We would definitely would like to get a full  
12 data set that's got as such as the District is willing  
13 to reveal related to location. It was improve the  
14 accuracy of any analysis.

15 Q Right. Okay. I'll mention that in my closing.  
16 Let's see. What is the other one?

17 Now, the drop in -- when did you connect all  
18 the flares for the grid power?

19 A So that was at the end of 2024. I finally got  
20 grid power supplied. Prior to that, the flare station  
21 was running on generator power and it just wasn't  
22 reliable enough to give us continuous operation and  
23 didn't have adequate backup. So once the flare station  
24 got on grid power, and then the generators could be used  
25 as backup, we have significantly reduced the amount of



1 MS. ROBERTS: Chiquita remains free to evaluate  
2 that on its own, but it's not part of an Abatement  
3 Order.

4 MR. BALAGOPALAN: So they're not submitting to  
5 the District to --

6 MS. ROBERTS: No.

7 MR. BALAGOPALAN: -- get approval of that?

8 MS. ROBERTS: No.

9 MR. BALAGOPALAN: Okay. So that's the change  
10 that has been made to 77?

11 MS. ROBERTS: So 77, the parties stipulated to  
12 the District's proposed language.

13 MR. BALAGOPALAN: Okay. All right. That's  
14 fine. I misunderstood that. So I do believe the  
15 changes that are proposed in the revised condition  
16 should help in further reducing the odors. I would also  
17 like to point out, I think the District should provide  
18 Ms. Havaland (phonetic) data and I worked here at the  
19 agency. I was in the administration group we did  
20 provide Sunshine Canyon with two digits of redacted  
21 data, which I had students do analysis and it showed  
22 that they are very close.

23 So I think that will help in further analysis.  
24 I think as much -- and the end point is whether we agree  
25 or whether the odors, the complaints are the ones that

1 we want to see drop dramatically. And the analysis that  
2 is done towards seeing the time of day, what type of  
3 odors? If all the measures are contributing to  
4 reduction of odors. That is critical because that's why  
5 we are hearing from the public, they're still  
6 experiencing odor.

7           So we cannot dismiss that. While I think all  
8 the other metrics are showing that, the flux studies, I  
9 think that's good showing a significant reduction. The  
10 draw study and all the other measures that we take  
11 increase the flow to the flares. I think that also in  
12 the draws there. So all the significant measures that  
13 are helping to reduce, but the final matrix, in my  
14 opinion, is what the public is experiencing.

15           So the continued monitoring of the odors and  
16 classification and trying to identify, I think is still  
17 more data they have so they fine tune it, the better it  
18 is for everybody's concern, you know, or pinpoint where  
19 issues may come.

20           The fact that there were 13 geyser events, and  
21 it doesn't appear that those were reported. And maybe  
22 that have been to the District and correlated with the  
23 type of complaints or when the complaints were received,  
24 that I would think would have been critical. So at  
25 least they know, oh, okay, there's a geyser event.

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**PROOF OF SERVICE**

***South Coast Air Quality Management District v. Chiquita Canyon, LLC***  
**Hearing Board of the South Coast Air Quality Management District, Case No. 6177-4**

At the time of this service, I was over 18 years of age and not a party to this action. I am employed in the District of Columbia. My business address is 1900 N St NW, Suite 100, Washington, DC 20036.

On December 2, 2025, I served true copies of the following document(s) as described:

- **DECLARATION OF JACOB P. DUGINSKI IN SUPPORT OF REQUEST FOR SUBPOENA DUCES TECUM**

on the interested parties in this action as follows:

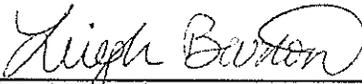
Kathryn Roberts  
Mary Reichert  
Ryan Mansell  
OFFICE OF THE GENERAL COUNSEL  
SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT  
21865 Copley Drive  
Diamond Bar, California 91765  
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mreichert@aqmd.gov  
rmansell@aqmd.gov

Attorneys for Petitioner  
SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused the above document(s) to be sent from e-mail address lbarton@bdlaw.com to the persons at the email addresses listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 2, 2025, at Alexandria, Virginia.

  
\_\_\_\_\_  
Leigh S. Barton