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Attorney for Respondent
CITY OF FONTANA

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

In the Matter of

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

vs.

CITY OF FONTANA,
[Facility ID No. 33088]

Respondent.

Case No. 5704-2

**DECLARATION OF ERIC NINEMIRE
REGARDING STATUS OF
COMPLIANCE WITH ORDER FOR
ABATEMENT (STIPULATED)**

Rule: 1196

Hearing Date: **June 26, 2024**

Time: 9:30 am

Place: Hearing Board
South Coast Air Quality
Management District

DECLARATION OF ERIC NINEMIRE

1. I, Eric Ninemire, have personal knowledge of the facts stated herein and, if called upon to do so, I could testify to these facts. I am the Fleet Supervisor, Department of Public Works for the City of Fontana. This declaration is submitted in support of a status report regarding the Stipulated Order for Abatement in Case No. 5704-2 between petitioner South Coast Air Quality Management District ("SCAQMD") and respondent City of Fontana (the "City") (collectively, the Parties).

2. The Stipulated Order for Abatement was heard on December 21, 2022, by the Hearing Board of the SCAQMD. At the time, the Stipulated Order was entered and provided that the City would comply with the heavy-duty vehicle schedule outlined in Attachment A to the

1 Stipulated Order as follows:

- 2 • Vehicles in Category 1 shall be replaced with a Rule 1196 compliant
3 compressed natural gas (CNG) vehicle within the designated time listed on
4 Attachment A, within the fiscal year listed for each vehicle;
- 5 • Vehicles in Category 2 shall be replaced with the cleanest Rule 1196-
6 compliant vehicle available following a review of alternative-fuel
7 technology conducted not more than 6 months prior to initiating the
8 procurement process. Respondent may seek the advice of South Coast
9 AQMD Fleet Rule staff in assessing potentially available alternative-fuel
10 technologies available for purchase;
- 11 • Vehicles in Category 3 shall be removed from the fleet without replacement.
12 Respondent shall ensure that vehicles in this category are removed from
13 service on or before December 31, 2025.

14 3. I have been one of the staff members at the City responsible for compliance with the
15 Stipulated Order, including the disposal and acquisition of vehicles under the Stipulated Order. I
16 have also been one of the staff members at the City responsible for reporting the status of compliance
17 to SCAQMD staff, in particular to Brian Choe Program Supervisor Planning, Rule Development &
18 Area Sources at SCAQMD and Ricky Lai. Recently, I began reporting compliance to Dylan Plautz
19 at the District.

20 4. Attached hereto and incorporated by this reference as Exhibit "A" is a spread sheet
21 showing the status of compliance with the Stipulated Order. Summarizing the spreadsheet:

- 22 • Unit #1604 has been placed out of service and has been sent to auction on August
23 29, 2023.
- 24 • The City took possession of Unit # 12230, a 2022 CNG truck which replaced Unit #
25 1130.
- 26 • A replacement for Unit # 1131 arrived ahead of schedule and Unit #1131 was in turn
27 sent to auction and removed from the City's fleet.
- 28 • The City also placed orders for replacement for replacement of Units # 1776, # 8673

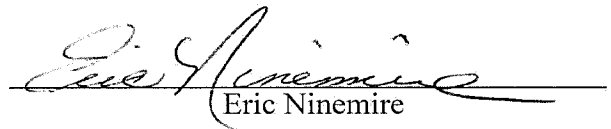
1 and # 8251. Those replacements arrived and units # 8673 and # 8251 were traded in.
2 Unit # 1776 was sent to auction on May 30, 2024. Therefore, these three units are
3 no longer part of the City's fleet.

- 4 • The remaining unit #13120 was scheduled for replacement 2025/2026, its
5 replacement was ordered ahead of schedule and that unit has been was sent to auction
6 in 131120.

7 5. In summary of the non-compliant units subject to the Stipulated Order, Unit # 13120
8 was sent to auction on April 16, 2025; Unit # 1130 was sent to auction August 11, 2023; Unit # 1131
9 was sent to auction on April 16, 2025, Unit 1604 was sent to auction on August 29, 2023; Unit #
10 1680 was sent to Auction on February 7, 2023; Unit # 1776 was sent to auction on May 30, 2024;
11 Unit # 8218 was sent to auction on November 16, 2022; Unit # 8251 and Unit # 8673 were traded in.
12 Therefore, none of the non-compliant units subject to the Stipulated Order are part of the City's fleet.

13 6. Accordingly, the City has been ahead of the schedule in complying with the Stipulated
14 Order and has now substantially performed all that it was required under the Stipulated Order.

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16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct. Executed this 13th day of August, 2025 at Fontana, California.
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20 Eric Ninemire
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