

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

In the Matter of

COUNTY OF RIVERSIDE

[Facility ID No. 159361]

Petitioner.

vs.

**SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT**

Respondent.

Case No.: 6229-4

Order Granting an Interim Variance

Health and Safety Code Section 42350

Date: June 3, 2026

Time: 9:30 am

Place: 21865 Copley Drive
Diamond Bar, CA 91765

FINDINGS AND DECISION OF THE HEARING BOARD

This petition for an interim variance was heard on the consent calendar on June 3, 2026, pursuant to notice in accordance with the provisions of California Health and Safety Code Section 40826. Five members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Esq, Vice Chair; Jerry P. Abraham, MD MPH CMQ; Mohan Balagopalan; and Cynthia Verdugo-Peralta. Petitioner, represented by Aaron DeGuzman, Radio Engineer, did not appear and Respondent, Executive Officer, represented by Sheri Hanizavareh, Principal Deputy District Counsel, did not appear. The public was given the opportunity to testify.

Evidence was received, and the case submitted. The Hearing Board finds and decides as follows:

Nature of Business and Location of Facilities

Petitioner operates a facility located in Lake Elsinore (Facility ID No. 159361). The

Lake Elsinore facility is located at 488 Elsinore Hts., Lake Elsinore, CA 92530. The facility provides countywide two-way public safety communications for all of Riverside County and participating local and state law enforcement, as well as for Cal Fire.

Equipment and Permit to Operate

This petition involves an Internal Combustion (IC) Engine driving an Emergency Standby Electrical Generator pursuant to Permit to Operate (P/O) No. G2627 [“IC Engine”].

The IC Engine is used to provide power when there is an interruption of electrical power by Southern California Edison (SCE) to the emergency communication sites. The site provides public safety radio service to multiple levels of government for the residents of Riverside County, including first responder dispatch for law enforcement 9-1-1 Dispatch Centers.

SUMMARY

Petitioner is in potential violation of Rule 203(b) as it pertains to Condition No. 4 of P/O No. G2627, and is close to exceeding its allotted 200 hour run time. Once exceeded, the facility will achieve compliance on January 1, 2027, when the annual 200-hour operating limitation in Condition No. 4 resets.

FINDINGS OF FACT AND CONCLUSIONS

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. The hearing was bifurcated to demonstrate that “good cause” exists to justify the holding of a hearing on an interim variance petition in the absence of notice to the public.

A. Good Cause Findings

1. Petitioner is in violation of Section 41701, or of any rule, regulation or order of the District, or that such violation is imminent.

Petitioner is on the verge of exceeding its annual permitted operating limit of 200 hours for the IC Engine and has been since filing the petition, as specified in Condition No. 4. of Petitioner's P/O No. G2627. The current runtime of the IC Engine is 186.7 hours. At this time there are only 13.3 hours left before exceeding the 200 hours.

2. The circumstances leading to the violation could not reasonably have been avoided by Petitioner, or anticipated in sufficient time to provide for public notice of the variance hearing.

The circumstances leading to this violation could not reasonably have been avoided by Petitioner nor anticipated in sufficient time to provide the public notice of the variance hearing in light of vandalism occurring at the Ridge Road Communications Site where the IC Engine is located. *See* Petitioner's Exhibit 1. The vandalism was committed on May 7, 2026, at 4:25 a.m. and the perpetrators disassembled difficult to obtain main power/emergency shut off fuse leaving the site on emergency generator back up power from that point until May 14, 2026 when a necessary part was installed on the main power source, allowing the IC Engine to return to standby. A police report was created by Riverside Sheriff Deputy Goff Badge # 6250 – Case # L261270046.

3. Petitioner exercised diligence in petitioning for the interim variance and scheduling the interim variance hearing; “diligence in petitioning for the variance” shall mean that Petitioner filed a variance petition as soon as feasible after the time Petitioner knew or should have known that a variance would, more likely than not, be needed.

Petitioner exercised diligence by filing for an Emergency Ex Parte, Interim, and Regular Variance on May 13, 2026. After the vandalism occurred, Public Safety Enterprise Communications (“PSEC”) began working with vendors to determine what parts and labor would be needed to put the site back onto commercial power. PSEC determined that the necessary parts including the main power/emergency shut off fuse. As of May 13, 2026, the generator had been

running for a total of 162.1 hours for the calendar year 2026 due in part to the continuous runtime from May 7th. The County placed the parts on order on May 8, 2026, expecting to receive the main fuse on May 14, 2026, thereby putting the site back on commercial power. However, sourcing the necessary electrical parts was challenging. The sites were built in 2012 and it has been difficult to ensure that hardware not only met Code NEC 230.70 but also fit the existing main fuse enclosure. PSEC Supervisor Jhovani Morga has been in touch with multiple electricians to provide resolutions but due to unexpected issues, it proved difficult to secure an electrician who can perform the work. By May 13th, it was thought that the necessary parts would not arrive in time and Petitioner moved forward to seek Hearing Board relief. An ex parte emergency variance was filed on May 13th and approved the following day. Petitioner also filed this petition for Interim Variance relief on May 13th.

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

Denial of the variance would cause significant harm to Petitioner, in that Petitioner would be unable to operate the IC Engine, if a power outage occurred, resulting in failure to provide the critical communications to first responders, undoubtedly causing a threat to life and property in the County of Riverside. As a result of the alleged vandalism, the main power system was not able to run for a significant amount of time. The site ran emergency back-up power from May 7th through May 14th, leaving the IC Engine with only 13.3 hours for the remainder of Calendar Year 2026. With the start of fire season, given the history of this particular engine, it is more likely than not that the IC Engine will need to be used in excess of the time remaining.

Upon finding Good Cause the Board then proceeded to the merits of the Interim Variance and the six (6) Findings.

B. Interim Variance Findings

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

1. The equipment cannot be operated in compliance with South Coast AQMD Rule 203(b), which requires compliance with permit conditions, because Petitioner is close to exceeding its annual permitted operating limit of 200 hours for the IC Engine, as specified in Condition No.4. of Petitioner's P/O No. G2627.

b(l). Non-compliance with South Coast AQMD Rule(s) is due to conditions beyond the reasonable control of the petitioner.

1. Petitioner is a public entity that provides encrypted radio services to Public Safety teams including Sheriff/ Police/ Fire throughout Riverside County. Petitioner owns and operates the IC Engine that drives emergency generators that provide emergency power to radio towers that are required for communication between first responders serving the public.

2. On May 7, 2026, an unforeseen act of vandalism occurred, causing damage to the main power system. The PSEC team arrived onsite on May 7, 2026 to inspect alarms provided by a remote terminal unit at the Lake Elsinore site. The main power/emergency shut off fuse was stolen and is needed for proper operation of the sites commercial power system. Once Petitioner determined the cause of the power outage, the Riverside County Sheriff Project Management Office was engaged. The Project Management Office reached out to vendors for emergency repairs. While the County's offices worked to find solutions, Petitioner was forced to run the site on emergency back-up power since May 7, 2026. On May 8th PSEC was able to find the correct main power/emergency shut off fuse and ordered the part the same day. On May 14, 2026, the IC Engine returned to standby when the PSEC team was able to source the main power/emergency shut off fuse and install it. However, by this time, only 13.3 runtime hours remained out of the IC Engine's allotted 200 hours.

3. On May 13, 2026, Petitioner filed a petition for an Emergency Ex Parte, Interim, and Regular Variance relief from South Coast AQMD Rule 203(b)

with respect to the IC Engine.

4. On May 14, 2026 Petitioner was granted an Emergency Ex Parte Variance from South Coast AQMD Rule 203(b).

5. Petitioner requested an Interim and Regular Variance to continue to operate the IC Engine for the remainder of the year in anticipation of the inevitable start to the area's fire season.

6. Petitioner is in compliance as of May 27, 2026. With May being the start of this year's fire season Petitioner feels that it is likely they will surpass the 200 hours in the upcoming months.

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

1. Denial of the variance would cause significant harm to Petitioner, in that Petitioner would be entirely unable to provide critical communications to first responders, causing a threat to life and property in the County of Riverside. Further, the direct cause of the noncompliance resulted from an act of criminal vandalism, which was beyond the Petitioner's control. The radio communication towers must operate to ensure first responder communications at all times. The closing or taking would be without a corresponding benefit in reducing air contaminants.

c. The Petitioner for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.

1. Curtailment or shutdown of the IC Engine would not bring Petitioner into compliance, as Petitioner is very close to exceeding the 200-hour operating limit for the calendar year of 2026.

d. During the period the variance is in effect, the petitioner will reduce excess emissions to the maximum extent feasible.

1. The usage of the IC Engine for the remainder of 2026 will reduce

emissions to the maximum extent feasible. Petitioner shall limit the operation of the engine, as described in P/O No. G2627, to emergency usage, and the engine shall operate no more than 1.0 hour per month total for maintenance and testing time.

e. During the period the variance is in effect, the petitioner will monitor or otherwise quantify emission levels from the source, if requested to do so by the South Coast AQMD, and report these emission levels to the South Coast AQMD pursuant to a schedule established by the South Coast AQMD.

1. Petitioner shall maintain a monthly operating log of the hours of operation of the IC Engine and shall send the monthly records to South Coast AQMD, by email to South Coast AQMD staff, on the first Tuesday of each month, beginning July 7, 2026.

2. The estimated excess emissions template for the IC Engine, when in use during the variance period are attached Respondent's Exhibit A. The Board determined that the significant harm to Petitioner and the public outweighs the benefit to air quality, if the emissions associated with this request were eliminated, because of denying the variance.

f. Petitioner has also petitioned for a Regular Variance, which is scheduled to be heard on July 28, 2026.

ORDER

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

1. Petitioner is granted an interim variance from South Coast AQMD Rule 203(b) from Condition No. 4 of P/O No. G2627 for an Internal Combustion Engine driving an Emergency Generator, commencing June 3, 2026 and continuing until a noticed Regular Variance Hearing occurs on July

28, 2026.

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

- a. Petitioner shall limit the operation of the Internal Combustion Engine (“ICE”), as described in Permit to Operate (“PO”) No. G2627, to emergency usage, and the ICE shall operate no more than 1.0 hour per month total for maintenance and testing time.
- b. Petitioner shall maintain a monthly operating log for the emergency ICE and shall send the records to the South Coast AQMD by email to Jacquelyne Drainville (jdrainville@aqmd.gov) on the first Tuesday of each month beginning July 7, 2026. The operating log shall list all engine operations in the following areas:
 - Date and hours of emergency operation, and specify the cause of the emergency;
 - Date and hours of maintenance and testing operations; and
 - Date and hours of any other non-emergency operation.
- c. Petitioner shall pay all applicable fees to the Clerk of the Board or the variance shall be invalidated pursuant to Rule 303(k), except for excess emissions fees, which shall be paid within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board. Petitioner shall calculate, record, and report all

excess emissions during the variance period, and pay appropriate excess emission fees to the Clerk of the Board. Petitioner may exclude any hours the ICEs are operated for Public Safety Power Shutoff (“PSPS”) events as defined by Rule 118.1 by following the procedures in Rule 118.1(d), if Petitioner complies with the notification and reporting requirements of Rule 118.1(e) and (f).

- d. Except as otherwise permitted in variance condition #1, Petitioner shall cease operation of the ICE (PO No. G2627)

FOR THE BOARD: _____

DATED: _____