

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

In the Matter of) Case No. 6122-2
) Facility ID 35006
KINSBURSKY BROTHERS INC.)
)
Declaration of Daniel Kinsbursky)
)
Section 42350 of the California)
Health and Safety Code)
)

DECLARATION OF DANIEL KINSBURSKY

1. My name is Daniel Kinsbursky, and I am Vice President of Kinsbursky Brothers Inc. (KBI), in Anaheim, California. I am over the age of 18. I have personal knowledge of the facts stated below and could testify competently thereto if called as a witness.
2. KBI operates a lead-acid battery recycling facility in Anaheim, California. Lead-acid batteries are broken, and electrolyte is drained, and the lead-oxide plates from the batteries are air dried, packaged, and sent offsite for further processing.
3. KBI utilizes an air pollution control system consisting of a Fugitive Emission Filtration (FEF) unit, Model FEF-50, equipped with first stage Pulse filter section and a second stage HEPA filtration section, to control emissions of lead under SCAQMD permit application number 602162 in compliance with SCAQMD Rule 1420. KBI previously performed a source test demonstrating compliance with the rule in October of 2023. SCAQMD Rule 1420 (j)(1) requires facilities that perform lead processing to perform

source testing for air pollution control devices once every twenty-four months after the initial source test. Therefore, a source test was required to be performed by October 31, 2025.

4. KBI contracted Alliance Technical Group (Alliance) to perform source testing of the FEF unit on October 9, 2025 and October 10, 2025. On November 21, 2025 Alliance provided KBI a preliminary report of the data obtained during the source testing conducted on October 9, 2025 and October 10, 2025. The *initial presentation of the draft data* identified data quality issues that resulted in the data obtained during the testing being invalid. As a result, none of the results obtained during the testing could be used to satisfy the requirements of Rule 1420(j)(1).

5. Because of the data quality issues encountered with the October 2025 source testing, a retest of the FEF is required to comply with Rule 1420(j)(1). KBI has contracted Alliance to retest the FEF unit on December 29 and 30, 2025. The dates for the retest are not within the required twenty-four months specified in SCAQMD Rule 1420(j)(1).

6. Battery breaking (dismantling) and recycling is KBI's is a significant portion of the business. These operations cannot be performed unless the emissions generated from these processes are vented to the air pollution control device (APCD). The FEF serves as the APCD for the battery breaking operations. Without the ability to operate the FEF unit, the battery dismantling and recycling system cannot operate. This would result in a detrimental impact to KBI's business.

7. KBI became aware of data quality issues with the initial source test data when Alliance provided an initial report of the data on November 21, 2025. Upon learning of the

data quality issues, KBI continued to work with the source testing contractor to complete a full evaluation of the data before concluding that the data was not valid.

8. After determining that the initial testing was not valid, KBI immediately contracted Alliance to perform a new source test at the earliest date possible. Due to Alliance's busy schedule, the earliest dates available for a retest were December 29 and 30, 2025.

9. By this variance petition, KBI seeks to temporarily operate the battery dismantling and recycling system (application number 602161) and the associated air pollution control device (application number 602162) under the conditions proposed in the Order for Regular Variance from Rules 203(b) and 1420(j)(1) and permit condition no. 14 (A/N 602162), and no. 5 (A/N 602161).

10. Petitioner Will be in Violation: KBI is in violation of Rule 203(b), Rule 1420(j)(1), permit condition 14 of Application Number 602162, and permit condition 5 of Application Number 602161 because KBI has not completed a source test that validly demonstrates compliance with the requirements of Rule 1420 within the time frames prescribed by 1420(j)(1).

11. Kinsbursky Brothers Inc. will continue to be in violation of these Rules and Permit Conditions due to the time needed to complete and produce the final source test report.

12. Beyond Reasonable Control of Petitioner: The initial source test intended to fulfill compliance obligations under Rule 1420(j)(1) was scheduled and completed in October of 2025, within the prescribed twenty-four month period required under Rule 1420(j)(1). Due to the timing of the initial source test data evaluation by the contracted source testing firm, KBI did not become aware of the need to conduct a new test until after the conclusion of the twenty-four month period had passed. As a result, KBI was not able to arrange for a

retest to be conducted within the twenty-four month period established under Rule 1420(j)(1) Working aggressively with the source testing contractor, KBI arranged for a new test with the earliest possible date being December 29 and 30, 2025.

13. Closing Without Corresponding Benefit: If Kinsbursky Brothers Inc. is forced to shut down the battery dismantling and recycling operations, the facility would need to close or partially close. This would not only impact KBI and its employees, but also KBI's customers and the community who rely on access to the lead-acid battery recycling operations intended to ensure the proper management of what otherwise would be a hazardous waste.

14. Curtailment Consideration: Battery Dismantling and Recycling operations cannot be curtailed or terminated because these operations account for a significant portion of the business activity for KBI.

15. Reduce Excess Emissions / Monitor Emissions: No excess emissions will occur since the equipment will continue to operate in accordance with existing permit conditions and prescribed operating parameters.

15. Based on the facts stated above, we respectfully request an interim variance.

Signed under penalty of perjury in Anaheim, California.

Signature: D. Kury

Date: 12-31-25