

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)

Kinsbursky Brothers, Inc. (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.

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).

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).

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

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.

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)* |
|--|----------------------------|-----------------------|--|
| Battery dismantling and recycling system | A/N 602161 | | |
| Air Pollution Control System | A/N 602162 | | |
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| | | | |

*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.

Battery breaking (dismantling) and recycling is KBI's primary 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.

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

If yes, how often: Daily, Monthly, and Quarterly

Date of last maintenance and/or inspection: 12/10/2025 (Inspection)

Describe the maintenance and/or inspection that was performed.

Maintenance and/or inspection completed included the following:

- Ducting for leaks, holes, corrosion, etc.
- Vents for blockage, damage, and cleaning.
- Gauges for leaks and proper operation and proper operating range
- Sensors for normal functionality
- Comprehensive inspection of entire system on a quarterly basis by a third-party

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 1420 and Air Pollution Control System (AN 602162) Condition 14 | The owner and operator shall comply with the applicable Rule requirements of Rules 1420 and 1155 Since 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), it is not in compliance with Rule 1420 or condition 14. |
| Rule 1420 and Battery System (AN 602161) Condition 5 | Battery recycling operation and handling of lead containing materials shall be carried out in compliance with SCAQMD Rule 1420 Since 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), it is not in compliance with Rule 1420 or condition 5. |
| Rule 1420 and Air Pollution Control System (AN 602162) Condition 14 | The owner and operator shall comply with the applicable Rule requirements of Rule 1420 & 1155. The Facility was unable to meet the source testing requirement of Rule 1420. |

| | |
|------------------|--|
| Rule 1420 (j)(1) | Effective December 1, 2017, the owner or operator of a lead processing or metal melting facility shall conduct a source test of all lead point sources once every 24 months after the initial source test to demonstrate compliance with the facility mass emissions standards specified in subdivision (f). The Facility was not able to complete a valid source test within the 24-month deadline to demonstrate compliance with the emission limits of the rule. |
| Rule 203(b) | Existing permits to operate contain conditions that require compliance with Rule 1420. Because the facility will not be able to complete the source testing within the 24-month period prescribed by Rule 1420(J)(1) they will not be in compliance with this 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.

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.

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).

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.

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.

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.

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: \$300,000 per month

Number of employees laid off (if any): No immediate layoffs; however, layoffs may occur if the facility is required to shut down operations.

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

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

No, Battery Dismantling and Recycling operations cannot be curtailed or terminated because these operations are the primary business activity for KBI.

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) |
| None | | | |
| | | | |
| | | | |

* 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.

No excess emissions will occur since the equipment will continue to operate in accordance with existing permit conditions and prescribed operating parameters.

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.

KBI will continue to operate equipment in accordance with their operating permits and regulations. Emissions of lead will continue to be vented to the air pollution control system and are not expected to result in excess emissions.

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.**

KBI will continue to monitor emissions in the same fashion currently performed. Production data is tracked and compared to the production rate at the time of the prior source test conducted in 2023 that demonstrated compliance with Rule 1420. By maintaining production below this level, the emissions will be below the levels detected during the source test and therefore the Facility will be in compliance with the 0.0003 lbs/hr emissions rate of Rule 1420.

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.

Compliance will be achieved once a valid source test has been completed. However, KBI is requesting variance coverage until the source test results are verified as valid and the source test report can be submitted to and reviewed by the SCAQMD source testing division.

24. State the date you are requesting the variance to begin: December 18, 2025; and the date by which you expect to achieve final compliance: June 1, 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:
The variance is not expected to be required for longer than one year.

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.


None Ext. _____
_____ Ext. _____

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

| 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 December 19, 2025, at Anaheim, California

 Daniel Kinsbursky
Signature Print Name

Title: Vice President

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).

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

Executed on _____, at _____, California

Signature

Print Name

Title



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

Page 1
Permit No.
G63119
A/N 602161

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:**

KINSBURSKY BROTHERS INC
125 E COMMERCIAL ST, STE A
ANAHEIM, CA 92801-1214

ID 35006

Equipment Location: 1314 N ANAHEIM BLVD, ANAHEIM, CA 92801-1201

Equipment Description :

Battery dismantling and recycling system consisting of:

1. Cyclone separator no. 1, UAS, Model C-200, 1'-8" diameter, 6'- 35/16" long.
2. Cyclone separator no. 2, UAS, Model C-200, 1'-8" diameter, 6'- 35/16" long.
3. Main Battery breaking line.
4. Battery cases wash station.
5. Filter press and lead oxide cake removal station.
6. Submarine battery dismantling station.
7. Plastics grinder, Cumberland, Model T5090, 9 feet wide, 6 feet long, 7 feet high, with a 75 HP drive.
8. Plastics grinder, Herbold, model SM 600/1000, 6 feet, 10 inches wide, 8 feet, 2 inches long, 14 feet, 1 inch high, with a 125 HP drive.
9. Gel type batteries dismantling station.
10. Miscellaneous stations for maintenance, wrapping plastic around the pellets of battery grids.

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. Recycling/Dismantling of lead acid batteries and processing of lead containing material shall be carried out inside total enclosure, which shall be vented only to the air pollution control equipment which is in full use and which has been issued a permit to construct and operate by the Executive Officer.

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PERMIT TO OPERATE

4. Each plastic granulator shall not process more than 20,000 pounds of plastic materials in any one day.
5. Battery recycling operation and handling of lead containing materials shall be carried out in compliance with SCAQMD Rule 1420.
6. Materials processed in the equipment specified in this permit shall not contain any of the compounds or elements identified as carcinogenic toxic compounds in Rule 1401 version amended Sep 1, 2017 except for Cadmium, Arsenic, Chromium, Mercury, Zinc, Beryllium, and Lead with combined content of these metals less than 1 percent by weight.
7. Operator shall perform metal analysis test on the granulated material on annual basis or sooner. Copies of the test results shall be kept for 5 years.
8. A log concerning the operation of this equipment shall be kept on file for a minimum of five years. The past two years records shall be kept on-site and shall be made available upon request of SCAQMD personnel. This log shall contain the records required to prove compliance with each condition of this permit.

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South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178

Page 3
Permit No.
G63119
A/N.602161

PERMIT TO OPERATE

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

BY AMIR DEIBAKHSH/AK07

10/7/2020

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

Page 1
Permit No.
G63120
A/N 602162

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:

KINSBURSKY BROTHERS INC
125 E COMMERCIAL ST, STE A
ANAHEIM, CA 92801-1214

ID 35006

Equipment Location: 1314 N ANAHEIM BLVD, ANAHEIM, CA 92801-1201

Equipment Description :

Air pollution control system consisting of:

1. Total Enclosure for various battery dismantling recycling operations consisting of up to seven roll up doors, up to 20 suction hoods, 300 HP Blower with a variable frequency drive, up to 50,000 scfm suction capacity.
2. Particulate control and capture system, BUSCH International, FEF series, model no. FEF-50, 32 feet long, 12 feet wide, 11 feet high, equipped with first stage Pulse filter section control efficiency of 99% for 0.5 micron particles, second stage HEPA filtration section control efficiency of 99.97% for 0.3 micron particles, and drainage collection vessel to capture condensed moisture.

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. The particulate control system shall be in full use whenever battery dismantling and recycling operations occur inside the total enclosure.
4. Mechanical gauges shall be installed and maintained to indicate, in inches of water column, the static pressure differential across the Pulse filter section and across the HEPA filter section.
5. The pressure drop across the Pulse filter section shall not exceed 10.0 inches of water column.
6. The pressure drop across the HEPA filters shall not exceed 2.25 inches of water column.
7. The owner/operator shall install a data acquisition system (DAS) to continuously monitor the pressure drop across the Pulse and HEPA filtration section. DAS system shall be maintained as per Rule 1420 requirements.
8. Owner or operator shall comply with the housekeeping requirements listed in SCAQMD Rule 1420.

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PERMIT TO OPERATE

9. Owner or operator shall conduct a periodic smoke test at all suction points as per Rule 1420 requirements. A periodic smoke test shall be conducted during source testing, pursuant to Rule 1420 section (j)(1) and at least once every three months thereafter, using the procedure set forth in Appendix 1 of the rule.
10. A log concerning the records of this equipment shall be kept for a period of five years. The last two years records shall be kept on-site and shall be made available upon request of SCAQMD personnel. This log shall have the following information:
- A. Housekeeping activities.
 - B. Source test data.
 - C. DAS files, inspection, maintenance, capture velocities, date of measurement, and calibration.
 - D. The date and time of each filter replacement.
 - E. Copy of manufacturer's certification of efficiency of filter(s).
11. The owner/operator shall maintain records of excess emissions including, but not limited to, records of any exceedances of the emission limitation and/or parameter monitoring requirements contained in this permit. The records shall include the date of the occurrence, the duration, the cause (if known), and, where possible, the magnitude of any excess emissions.
12. Applicant/Operator shall use a calibrated hot wire anemometer to measure the capture velocity of each emission collection system at least once monthly, based on its location within a lead processing facility as per SCAQMD Rule 1420 section (k) (6) guidelines.
13. The owner/operator shall maintain inspection and maintenance records for the Air pollution control system to document compliance with the inspection and maintenance requirements of this permit. The record shall identify:
- A. The device inspected.
 - B. The date and time of inspection.
 - C. The working condition of the device during the inspection.
 - D. Any maintenance activities performed on the device.
 - E. Any actions taken to correct deficiencies found during the inspection.
14. The owner and operator shall comply with the applicable Rule requirements of Rules 1420, & 1155.
15. A log concerning the operation of this equipment shall be kept on file for a minimum of five years. The past two years' records shall be kept on site and shall be made available upon request of SCAQMD personnel.

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South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178

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Permit No.
G63120
A/N.602162

PERMIT TO OPERATE

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

BY AMIR DEJBAKHSH/AK07

10/7/2020

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