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LOS ANGELES REGIONAL
6 INTEROPERABLE
COMMUNICATIONS SYSTEM
7 AUTHORITY

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10 **BEFORE THE HEARING BOARD OF THE**
11 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**
12

13 In the Matter of
14 LOS ANGELES REGIONAL
INTEROPERABLE
15 COMMUNICATIONS SYSTEM
AUTHORITY

16
17 Petitioner, and,
18 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

19 Respondent.
20

CASE NO. 6234-6
FACILITY ID No.: 195568
[PROPOSED] FINDINGS AND
DECISION
AND ORDER GRANTING A REGULAR
VARIANCE AND WAIVER OF FEES
South Coast AQMD Rule 203(b) & 303 (p)
Hearing Date: July 30, 2025
Time: 9:30 AM
Place: 21865 Copley Drive
Diamond Bar, CA 91765

21 The Petition for a Regular Variance and Waiver of Fees, filed on April 30, 2025, by
22 petitioner Los Angeles Regional Interoperable Communications System Authority (“Petitioner”),
23 was heard on the South Coast Air Quality Management District Hearing Board’s July 30, 2025
24 consent calendar, in accordance with the provisions of California Health and Safety Code Section
25 40823 and District Rule 510. Five members of the Hearing Board were present: Micah Ali, Chair;
26 Robert Pearman, Esq., Vice Chair; Dr. Jerry Abraham, MD, MPH, CMQ; Mohan Balagopalan,
27 and Cynthia Verdugo-Peralta. Petitioner, represented by Truc Moore, Principal Deputy County
28 Counsel, did not appear. Respondent, Executive Officer of the South Coast Air Quality

1 Management District (“South Coast AQMD”), represented by Mary Reichert, Senior Deputy
2 District Counsel, did not appear. The Joint Stipulation re Findings and Decision and Order
3 Granting a Regular Variance and Waiver of Fees, and the Declaration of Nancy Yang in Support
4 of Order Granting a Regular Variance and Waiver of Fees, and the [Proposed] Findings and
5 Decision and Order Granting a Regular Variance were received as evidence. The public was given
6 the opportunity to testify, evidence was received, and the case was submitted.

7 The Hearing Board finds and declares as follows:

8 **I. NATURE OF FACILITY AND EQUIPMENT THAT IS THE SUBJECT OF THE**
9 **VARIANCE**

10 Petitioner is a radio network dedicated entirely to first responders. The Land Mobile Radio
11 System (LMR System) creates a unified web of communication, eliminates barriers to multi-
12 jurisdictional responses and allows law enforcement, firefighters, and paramedics to communicate
13 directly with users outside of their agency. As part of the LMR System, Petitioner owns and
14 operates a remote emergency back-up diesel generator internal combustion engine under Permit to
15 Operate (“P/O”) No. G67048 in the Angeles National Forest at 16482U Santa Clara Truck Trail,
16 Santa Clarita, CA 91321 (also known as “Loop Canyon” or “LPC”), in the County of Los Angeles
17 to ensure reliability of the Petitioner's LMR System which supports public safety communications
18 and operations in the region, including during the windstorm and wildfires in January 2025.

19 The equipment that is the subject of this petition is an Internal Combustion Engine (“ICE”)
20 driving an Emergency Generator, P/O No. G67048, located at 16482U Santa Clara Truck Trail,
21 Santa Clarita, CA 91321.

22 The ICE is used to provide power when there is an interruption of electrical power by
23 Southern California Edison (SCE) to the LMR System. The ICE provides emergency backup
24 power in the event of a power outage which allows the radio site to continue to maintain critical
25 communications supporting public safety operations and serving impacted communities.

26 **II. SUMMARY**

27 Petitioner is in violation of Rules 203(b) as it pertains to Condition No. 4 of P/O
28 No. G67048 and will achieve compliance on January 1, 2026, when the annual 200-hour operating

1 limitation in Condition No. 4 resets. Petitioner sought an interim and regular variance from the
2 yearly hours limit in its permit to ensure that Petitioner would not be forced to either shut down
3 critical telecommunications infrastructure that is relied upon for provision of public safety
4 communications services or violate South Coast AQMD Rules due to public safety needs to
5 ensure there was constant power at the site. Petitioner was granted an Interim Variance on May 27,
6 2025.

7 **III. FINDINGS FOR A VARIANCE**

8 Following are the facts and conclusions supporting the findings set forth in Health and
9 Safety Code Section 42352 necessary to grant the regular variance. The Executive Officer did
10 not oppose the granting of the variance. The Petitioner for a variance is or will be in violation of
11 Section 41701, or of any rule, regulation, or order of the South Coast AQMD.

12 **1. The petitioner is or will be in violation of South Coast AQMD Rule 203(b) and**
13 **Condition 4 of Petitioner's Permit to Operate.**

14 Petitioner is or will be in violation of Condition No. 4 of Permit to Operate No. G67048,
15 which limits the annual engine run time to 200 hours per year. As of the date of this filing,
16 Petitioner has exceeded its annual permitted operating limit of 200 hours for the IC Engine, as
17 specified in Condition No. 4 of Petitioner's P/O No. G67048. When Petitioner identified there was
18 a potential to exceed the 200-hour limit in the condition, Petitioner took action to request on April
19 30, 2025, an Emergency Ex Parte variance to provide coverage until a publicly noticed hearing for
20 a regular variance could be scheduled. On May 2, 2025, Petitioner was granted an Emergency Ex
21 Parte Variance from South Coast AQMD Rule 203(b), with respect to the IC Engine. On May 27,
22 2025, Petitioner was granted an Interim Variance to continue to operate its generator until July 30,
23 2025 for emergency purposes, as well as for maintenance and testing purposes to no more than 1.0
24 hour per month to ensure the generator is in good working order, in the event of a power outage.

25 As sworn to in the Declaration of Nancy Yang, Petitioner has complied with all applicable
26 Conditions in the Minute Order for the Interim Variance which the Hearing Board granted on May
27 27, 2025. Specifically, Petitioner has for Condition 1: limited the operation of the emergency
28

1 Internal Combustion Engine (ICE), Permit to Operate No. G67048 to emergency usage, and no
2 more than 1.0 hours per month total for maintenance and testing time; for Condition 2: maintained
3 a monthly operating log for the emergency ICE, and for Condition 3: reporting final compliance
4 to the District is not yet applicable because Petitioner has not yet achieved final compliance.
5 Petitioner will achieve compliance on January 1, 2026, when the annual 200-hour operating
6 limitation in Condition No. 4 resets.

7 **2. Due to conditions beyond the reasonable control of Petitioner, requiring**
8 **compliance would result in either the arbitrary or unreasonable taking of property or the**
9 **closing or elimination of an otherwise lawful business.**

10 Due to unforeseen SCE commercial power outages caused by a third-party utility provider,
11 a denial of the regular variance would result in the practical closing of a lawful business that
12 would impose an unreasonable burden upon the essential public service of providing public safety
13 response. The site equipment is necessary to support Petitioner's public safety communications
14 infrastructure and enable communications between Petitioner's users of their public safety
15 communications system, who in turn provide public safety response to the public and all for
16 coordination between public safety-first responders. Losing power for this important site at LPC
17 would not only hurt coverage for the localized area but would hurt system performance and
18 reliability for the rest of Los Angeles County due to critical microwave links this site provides.

19 **3. The closing or taking would be without corresponding benefit in reducing air**
20 **contaminants.**

21 The estimated excess emissions for the generator, when in use during the variance period
22 are as follows: 14.00 pounds/day of carbon monoxide (CO), 29.47 lb/day of oxides of nitrogen
23 (NOx), 2.47 pounds/day of particulate matter (PM), and 2.37 lb/day of unburned hydrocarbons
24 (HC).

25 The Hearing Board determined that the significant harm to Petitioner and the public would
26 outweigh the benefit to air quality if the emissions associated with the variance request were
27 eliminated as a result of denying the variance.

1 **4. The petitioner for the variance has given consideration to curtailing operations of**
2 **the source in lieu of obtaining a variance.**

3 Curtailment or shutdown of the generator would not bring Petitioner into compliance, as
4 Petitioner has already exceeded the 200-hour operating limit for the calendar year of 2025.

5 **5. During the period that the variance is in effect, the petitioner will reduce excess**
6 **emissions to the maximum extent feasible.**

7 Petitioner will limit emissions to the maximum extent feasible, including limiting the hours
8 the engine is run for monthly maintenance and evaluating the engine's performance towards the
9 end of the year to determine if additional maintenance and testing can be eliminated. Petitioner
10 will only use the generator in times of emergency and for no more than one (1) hour each month
11 for required maintenance and testing. Petitioner will comply with all conditions as specified in the
12 Order.

13 **6. During the period that the variance is in effect, the petitioner will monitor and**
14 **quantify emission levels from the source and report the emission levels to the South Coast**
15 **AQMD pursuant to a schedule.**

16 Petitioner shall maintain a monthly operating log of the hours of operation of the generator
17 and shall send the monthly records to South Coast AQMD, by email to South Coast AQMD staff,
18 on the first Tuesday of each month.

19 **IV. FINDINGS FOR A FEE WAIVER**

20 1. South Coast AQMD Rule 303(p) requires a waiver of fees for any petition for a variance
21 filed as a direct and proximate result of any event declared to be a "state of emergency" by local,
22 state or federal authorities.

23 2. Due to the extreme wind and wildfire conditions, on January 7, 2025, the State of
24 California through the Governor's Office declared a State of Emergency, and included the County
25 of Los Angeles in such state of emergency: [https://www.gov.ca.gov/wp-](https://www.gov.ca.gov/wp-content/uploads/2025/01/SOE_Palisades-Fire_1-7-25_Formatted.pdf)
26 [content/uploads/2025/01/SOE_Palisades-Fire_1-7-25_Formatted.pdf](https://www.gov.ca.gov/wp-content/uploads/2025/01/SOE_Palisades-Fire_1-7-25_Formatted.pdf) .

27 3. Under South Coast AQMD Rule 303(p), fees "shall be waived for any petition for a
28 variance filed as the direct and proximate result of any event declared to be a 'state of emergency'

1 by local, state or federal authorities.” Because the weather and wildfires created the power outages
2 by the utility, which directly led to the exceedance of generator hours at issue here, and there was
3 a state of emergency declared by the Governor of California, fees associated with this petition
4 should be waived.

5 4. Further, fees can be waived under South Coast AQMD Rule 303(g), which permits "the
6 Hearing Board may adjust the excess emission fee required by subdivisions (d), (e), and (f) of this
7 rule, at the request of the petitioner or upon motion of the Hearing Board, based on evidence
8 regarding emissions presented at the time of the hearing." South Coast AQMD Rule 303(m) also
9 permits a waiver of fees where, "Any person may allege that payment of any of the fees within this
10 rule, excluding publication fees, will cause an unreasonable hardship or is otherwise inequitable."

11 5. Petitioner is a public agency that serves first responders by providing public safety
12 communications infrastructure and enabling communications between Petitioner’s users of their
13 public safety communications system, who in turn provide public safety response to the public.
14 The exceedance of generator hours is not a result of Petitioner's actions, but those of a third party
15 utility and as caused by extreme weather conditions. It is inequitable and would be a hardship to
16 not waive such fees for Petitioner, a public agency who is not a for profit entity. For those
17 reasons, fees associated with this petition should also be waived.

18 19 **ORDER**

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

21 A. Petitioner is granted a regular variance from the date of this Order through
22 December 31, 2025, as follows: the Internal Combustion Engine (“ICE”) with South Coast
23 AQMD Permit to Operate (“P/O”) No. G67048 is granted a variance from Condition No. 4 of that
24 P/O, subject to the following conditions:

- 25 1. Petitioner shall limit the operation of the ICE, as described in P/O No. G67048, to
26 emergency usage, and the ICE shall operate no more than 1.0 hour per month total
for maintenance and testing time.
- 27 2. Petitioner shall maintain a monthly operating log with data beginning on January 1,
28 2025, for the emergency ICE and shall send the records to South Coast AQMD by

1 email to AQ Inspector Nathan Wong (nwong2@aqmd.gov) on the first Tuesday of
2 each month beginning June 3, 2025. The operating log shall list all engine
operations in the following areas:

- 3 a. Date and hours of emergency operation, and specify the cause of the
emergency;
4 b. Date and hours of maintenance and testing operations; and
5 c. Date and hours of any other non-emergency operation.

- 6 3. Petitioner shall calculate, record, and report all excess emissions during the
7 variance period, and pay appropriate excess emission fees, to the extent not waived
8 or reduced, to the Clerk of the Board within fifteen (15) days of notification in
9 writing that the fees are due, unless otherwise ordered by the Hearing Board. The
variance will be invalidated pursuant to Rule 303(k) if applicable fees are not paid.
The emission factors for calculating excess emissions are listed below:

CO: 3.19 lbs/day

NOx: 18.60 lbs/day

RHC: 11.34 lbs/day

- 12 4. Except as otherwise permitted in variance condition 1, Petitioner shall cease
13 operation of the ICE.

14 B. Petitioner is granted a waiver of fees under South Coast AQMD Rule 303(p), Rule
15 303(g) and Rule 303(m).

17 BOARD MEMBER: _____

18 DATED: _____