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

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

19 Respondent.
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CASE NO. 6234-7
FACILITY ID No.: 195322
[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 during off-business hours on
22 May 2, 2025 but officially accepted on May 6, 2025, by petitioner Los Angeles Regional
23 Interoperable Communications System Authority (“Petitioner”) was heard on the South Coast Air
24 Quality Management District Hearing Board’s July 30, 2025 consent calendar, in accordance with
25 the provisions of California Health and Safety Code Section 40823 and District Rule 510. Five
26 members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Esq., Vice Chair;
27 Dr. Jerry Abraham, MD, MPH, CMQ; Mohan Balagopalan, and Cynthia Verdugo-Peralta.
28 Petitioner, represented by Truc Moore, Principal Deputy County Counsel, did not appear.

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

8 The Hearing Board finds and declares as follows:

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

11 Petitioner is a radio network dedicated entirely to first responders. The Land Mobile Radio
12 System (LMR System) creates a unified web of communication, eliminates barriers to multi-
13 jurisdictional responses and allows law enforcement, firefighters, and paramedics to communicate
14 directly with users outside of their agency. As part of the LMR System, Petitioner owns and
15 operates a remote emergency back-up diesel generator internal combustion engine under Permit to
16 Operate (“P/O”) No. G66628 in the Angeles National Forest at 10875U Santa Clara Truck Trail,
17 Canyon Country, CA 91390 (also known as “Magic Mountain Link” or “MML”), in the County of
18 Los Angeles to ensure reliability of the Petitioner's LMR System which supports public safety
19 communications and operations in the region, including during the windstorm and wildfires in
20 January 2025.

21 The equipment that is the subject of this petition is an Internal Combustion Engine (“ICE”)
22 driving an Emergency Generator, P/O No. G66628, located at 10875U Santa Clara Truck Trail,
23 Canyon Country, CA 91390.

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

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1 **II. SUMMARY**

2 Petitioner has the potential to be in violation of Rules 203(b) as it pertains to Condition No.
3 4 of P/O No. G66628 with ICE emergency generator runtime that is close to but has not yet
4 exceeded the 200-hour annual operation limit after excluding generator runtime from January 8 to
5 February 6, 2025 during when South Coast AQMD's Executive Order 25-01 was in effect from
6 total cumulative generator runtime to-date. Petitioner sought an interim and regular variance from
7 the yearly hours limit in its permit to ensure that Petitioner would not be forced to either shut
8 down critical telecommunications infrastructure that is relied upon for provision of public safety
9 communications services or violate South Coast AQMD Rules due to public safety needs to
10 ensure there was constant power at the site. Petitioner was granted an Interim Variance on May 27,
11 2025.

12 **III. FINDINGS FOR A VARIANCE**

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

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

19 Petitioner will be in violation of Condition No. 4 of Permit to Operate No. G66628, which
20 limits the annual engine run time to 200 hours per year. As of July 22, 2025 for the current filing,
21 Petitioner's ICE emergency generator has ran 178.5 hours after excluding the runtime due to SCE
22 PSPS from January 8 to February 6, 2025 when South Coast AQMD Executive Order was in
23 effect. Given the 178.5 hours of year-to-date cumulative generator runtime, Petitioner has a high
24 potential to exceed its annual permitted operating limit of 200 hours for the ICE, as specified in
25 Condition No. 4 of Petitioner's Permit to Operate No. G66628. When Petitioner identified there
26 was a potential to exceed the 200-hour limit in the condition, Petitioner took action to request on
27 May 6, 2025, an Emergency Ex Parte variance to provide coverage until a publicly noticed hearing
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1 for a regular variance could be scheduled. On May 7, 2025, Petitioner was granted an Emergency
2 Ex Parte Variance from South Coast AQMD Rule 203(b), with respect to the ICE emergency
3 generator0. On May 27, 2025, Petitioner was granted an Interim Variance to continue to operate
4 its generator until July 30, 2025 for emergency purposes, as well as for maintenance and testing
5 purposes to no more than 1.0 hour per month to ensure the generator is in good working order, in
6 the event of a power outage.

7 As sworn to in the Declaration of Nancy Yang, Petitioner has complied with all applicable
8 Conditions in the Minute Order for the Interim Variance which the Hearing Board granted on May
9 27, 2025. Specifically, Petitioner has for Condition 1: limited the operation of the emergency
10 Internal Combustion Engine (ICE), Permit to Operate No. G66628 to emergency usage, and no
11 more than 1.0 hours per month total for maintenance and testing time; for Condition 2: maintained
12 a monthly operating log for the emergency ICE, and for Condition 3: reporting final compliance
13 to the District is not yet applicable because Petitioner has not yet achieved final compliance.
14 Petitioner will achieve compliance on January 1, 2026, when the annual 200-hour operating
15 limitation in Condition No. 4 resets.

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

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

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

The estimated excess emissions for the generator, when in use during the variance period are as follows: 23.80 pounds/day of carbon monoxide (CO), 26.09 lb/day of oxides of nitrogen (NOx), 1.37 pounds/day of particulate matter (PM), and 1.37 lb/day of unburned hydrocarbons (HC).

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

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

Curtailment or shutdown of the generator would not bring Petitioner into compliance, as Petitioner operates a first responder radio communications system that must stay operational and “on air” with continued supply of power during utility power outages.

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

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

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

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

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

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

5 2. Due to the extreme wind and wildfire conditions, on January 7, 2025, the State of
6 California through the Governor's Office declared a State of Emergency, and included the County
7 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)
8 [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) .

9 3. Under South Coast AQMD Rule 303(p), fees "shall be waived for any petition for a
10 variance filed as the direct and proximate result of any event declared to be a 'state of emergency'
11 by local, state or federal authorities." Because the weather and wildfires created the power outages
12 by the utility, which directly led to the exceedance of generator hours at issue here, and there was
13 a declared state of emergency by the Governor of California, fees associated with this petition
14 should be waived.

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

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

ORDER

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

A. Petitioner is granted a regular variance from the date of this Order through December 31, 2025, as follows: the Internal Combustion Engine ("ICE") with South Coast AQMD Permit to Operate ("P/O") No. G66628 is granted a variance from Condition No. 4 of that P/O, subject to the following condition:

1. Petitioner shall limit the operation of the ICE, as described in P/O No. G66628, to emergency usage, and the ICE shall operate no more than 1.0 hours per month total for maintenance and testing time.
2. Petitioner shall maintain a monthly operating log with data beginning on January 1, 2025, for the emergency ICE and shall send the records to South Coast AQMD by email to AQ Inspector I Nathan Wong (nwong2@aqmd.gov) on the first Tuesday of each month beginning June 3, 2025. The operating log shall list all engine operations in the following areas:
 - a. Date and hours of emergency operation, and specify the cause of the emergency;
 - b. Date and hours of maintenance and testing operations; and
 - c. Date and hours of any other non-emergency operation.
3. Petitioner shall calculate, record, and report all excess emissions during the variance period, and pay appropriate excess emission fees, to the extent not waived or reduced, to the Clerk of the Board within fifteen (15) days of notification in 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. If applicable, Petitioner may exclude any hours the ICE is 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). The emission factors for calculating excess emissions are listed below:

CO: 23.80 lbs/day
NOx: 26.09 lbs/day
PM: 1.37 lbs
HC: 1.37 lbs/day
4. Except as otherwise permitted in variance condition 1, Petitioner shall cease operation of the ICE.

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

BOARD MEMBER: _____
DATED: _____