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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. 6234-5  
FACILITY ID No.: 193436  
[PROPOSED] FINDINGS AND  
DECISION  
AND ORDER GRANTING A REGULAR  
VARIANCE AND WAIVER OF FEES  
South Coast AQMD Rule 203(b) & 303 (p)  
Hearing Date: April 23, 2025  
Time: 9:30 AM  
Place: 21865 Copley Drive  
Diamond Bar. CA 91765

21 The Petition for a Regular Variance, filed on February 13, 2025, by petitioner Los Angeles  
22 Regional Interoperable Communications System Authority (“Petitioner”), was heard on the South  
23 Coast Air Quality Management District Hearing Board’s April 23, 2025 consent calendar, in  
24 accordance with the provisions of California Health and Safety Code Section 40823 and District  
25 Rule 510. Five members of the Hearing Board were present: Micah Ali, Chair; Robert  
26 Pearman, Esq., Vice Chair; Dr. Jerry Abraham, MD, MPH, CMQ; Mohan Balagopalan, and  
27 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 John L. Jones II, 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 Ted Pao in Support of  
4 Order Granting a Regular Variance and Waiver of Fees, and the [Proposed] Findings and Decision  
5 and Order Granting a Regular Variance were received as evidence. The public was given the  
6 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 engine (ICE) under Permit to Operate No.  
15 G63683 in the Angeles National Forest at APN 8675 016-307, Claremont, CA 91711 ("ESR"), in  
16 the County of Los Angeles to ensure reliability of the Petitioner's LMR System which supports  
17 public safety communications and operations in the region, including during the recent windstorm  
18 and wildfires in January 2025.

19 The equipment that is the subject of this petition is an Internal Combustion Engine  
20 (“IC Engine”) Internal Combustion Engine (ICE) driving an Emergency Generator, P/O No.  
21 G63683, located at (APN) 8675 016-307 Angeles National Forest, Claremont, CA 91711

22 The IC Engine is used to provide power when there is an interruption of electrical power  
23 by Southern California Edison (SCE) to the LMR System. The IC Engine provides emergency  
24 backup power in the event of a power outage which allows the radio site to continue to maintain  
25 critical 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. G63683 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  
6 March 11, 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 variance. The Executive Officer did not  
10 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 #4 of Permit to Operate No. G63683,  
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. G63683. When Petitioner identified there was  
18 a potential to exceed the 200-hour limit in the condition, Petitioner took action to request on  
19 February 13, 2025, an Emergency Ex Parte variance to provide coverage until a publicly noticed  
20 hearing for a regular variance could be scheduled. On February 19, 2025, Petitioner was granted  
21 an Emergency Ex Parte Variance from South Coast AQMD Rule 203(b), with respect to the IC  
22 Engine. On March 11, 2025, Petitioner was granted an Interim Variance to continue to operate its  
23 generator until April 23, 2025 for emergency purposes, as well as for maintenance and testing  
24 purposes to ensure the generator is in good working order, in the event of a power outage.

25 As sworn to in the Declaration of Ted Pao, Petitioner has complied with all applicable  
26 Conditions in the Minute Order for the interim variance with the Hearing Board granted on  
27 March 11, 2025. Specifically, Petitioner has for Condition 1: limited the operation of the  
28

1 emergency Internal Combustion Engine (ICE), Permit to Operate No. G63683 to emergency  
2 usage, and no more than 1.0 hours per month total for maintenance and testing time; for Condition  
3 2: maintained a monthly operating log for the emergency ICE; and for Condition 3: reporting  
4 final compliance to the District is not yet applicable because Petitioner has not yet achieved final  
5 compliance. Petitioner will achieve compliance on January 1, 2026, when the annual 200-hour  
6 operating 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 unlawful 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 ESR  
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: 60.32 grams per hour (3.19 pounds/day) of carbon monoxide (CO), 351.52 gr/hour  
23 (18.60 lb/day) of oxides of nitrogen (NOx), and 214.24 gr/hour (11.34 lb/day) of reactive  
24 hydrocarbons (RHC).

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**  
2 **operations of 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**  
6 **excess 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 will 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 creating the power  
2 outages by the utility, which directly led to the exceedance of generator hours at issue here, was  
3 declared a state of emergency by the Governor of California, fees associated with this petition  
4 should be waived.

### 5 **ORDER**

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

7 A. Petitioner is granted a regular variance from the date of this Order through December  
8 31, 2025, as follows: the internal combustion engine (ICE) with South Coast AQMD Permit to  
9 Operate No. G63683 is granted a variance from Condition No. 4 of that Permit to Operate, subject  
10 to the following conditions:

- 11 1. Petitioner is granted a short variance from District Rule 203(b) {from Permit  
12 Condition No. 4} for G63683 for the period commencing April 23, 2025, and  
continuing through December 31, 2025, the final compliance date.
- 13 2. Petitioner shall limit the operation of the Internal Combustion Engine (“ICE”), as  
14 described in Permit to Operate No. G63683, to emergency usage, and the ICE shall  
15 operate no more than 1.0 hours per month total for maintenance and testing time.
- 16 3. Petitioner shall maintain a monthly operating log with data beginning on January 1,  
17 2025, for the emergency ICE and shall send the records to South Coast AQMD by  
18 email to AQ Inspector II Jacob Bernal ([jbernal@aqmd.gov](mailto:jbernal@aqmd.gov)) on the first Tuesday of  
each month starting in March 2025. The operating log shall list all engine  
operations in the following areas:
  - 19 a. Date and hours of emergency operation, and specify the cause of the  
emergency;
  - 20 b. Date and hours of maintenance and testing operations; and
  - 21 c. Date and hours of any other non-emergency operation.
- 22 4. Petitioner shall calculate, record, and report all excess emissions during the  
23 variance period, and pay appropriate excess emission fees, to the extent not waived  
24 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  
25 variance will be invalidated pursuant to Rule 303(k) if applicable fees are not paid.
- 26 5. Petitioner shall notify the South Coast AQMD (Attention: John L. Jones II,  
[jjones@aqmd.gov](mailto:jjones@aqmd.gov)) and the Clerk of the Hearing Board in writing when final  
27 compliance is achieved.

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

BOARD MEMBER: \_\_\_\_\_

DATED: \_\_\_\_\_