

Kevin Poloncarz, SBN 211434
Timothy Duncheon, SBN 338184
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, California 94105
Telephone: (415) 591-7070
Facsimile: (415) 591-6091
Email: kpoloncarz@cov.com

Helen Avunjian Kassan, SBN 300284
LINEAGE LOGISTICS PFS, LLC
46500 Humboldt Dr.
Novi, MI 48377
Telephone: (323) 376-5103
Email: havunjian@onelineage.com

Attorneys for Respondent
LINEAGE LOGISTICS PFS, LLC

SOUTH COAST AQMD
CLERK OF THE BOARDS

2026 JUL 28 P 1:58

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

In The Matter Of

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

vs.

LINEAGE LOGISTICS PFS, LLC,
[Facility ID No. 202700]

Respondent.

Case No. 6293-1

**RESPONSE TO PETITION FOR ORDER
FOR ABATEMENT**

Date: August 5, 2026
Time: 9:30 a.m.
Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

Pursuant to Rule 5(a) of the Rules and Procedures of the South Coast Air Quality Management District Hearing Board, Respondent Lineage Logistics PFS, LLC ("Lineage" or "Respondent") hereby

1 responds to the Petition for Order for Abatement (the "Petition") of the South Coast Air Quality
2 Management District (the "District" or "Petitioner"). Respondent recognizes the serious disruption and
3 concern that the fire and resulting decomposition of food product at the Facility have caused for nearby
4 residents and businesses. Respondent is committed to continuing to work cooperatively with the
5 District, public health officials, elected officials, and the surrounding community to complete
6 demolition, remove debris and food waste, and implement feasible measures to reduce odor impacts as
7 quickly and safely as possible. In submitting this response, Respondent intends in no way to minimize
8 the concerns raised by the community or the District, but rather to address the legal and factual
9 assertions made by the District in the Petition and ensure that any relief afforded by the Hearing Board
10 will not stand as an obstacle to completion of the demolition and food-waste removal and elimination of
11 any such impacts as expeditiously as possible.

12 1. Answering Paragraph 1 of the Petition, Respondent has neither information nor belief on
13 the subject sufficient to enable it to answer the allegations contained herein.

14 2. Answering Paragraph 2 of the Petition, Respondent admits the allegations.

15 3. Answering Paragraph 3 of the Petition, Respondent admits the allegations.

16 4. Answering Paragraph 4 of the Petition, Respondent admits the allegations. Respondent
17 further states and alleges that it currently believes the fire originated during third-party contractor testing
18 of rooftop solar panels, which are not owned or operated by Lineage. Respondent is the tenant-operator
19 of the Facility and subleases the rooftop to a subsidiary of Altus Power, the owner of the solar array that
20 is responsible for its design, installation, operation, maintenance, and repair. At the time when the fire
21 ignited on June 17, 2026, Pearce, a contractor of Altus, was in the process of installing and testing the
22 updated array and had personnel on the roof of the Facility. Respondent also further states that,
23 immediately after the fire began, ammonia used in the Facility's refrigeration system was pumped down
24 from the Facility into exterior contaminant vessels as an emergency safety measure. Liquid ammonia
25 was removed from those vessels and transported offsite on June 17, 2026. On July 3, 2026, a second
26 recovery operation was performed to remove any potential residual vapor ammonia that would have
27 condensed within the containment vessels following the initial liquid removal. Respondent also further
28 states and alleges that the Facility contained approximately 88 million pounds of food at the time of the

1 fire, which destroyed a significant portion of the building, incinerated a substantial amount of the food it
2 held, and made it difficult to safely access and remove the remaining food debris. Respondent further
3 alleges that the remaining food debris was soaked as a result of fire suppression activities, which has
4 contributed to its decomposition and decay and made it much more challenging to remove from the
5 Facility.

6 5. Answering Paragraph 5 of the Petition, Respondent lacks information sufficient to admit
7 the precise number, timing, content, or attribution of complaints received by the District, and therefore
8 cannot admit those allegations as stated. Respondent acknowledges that members of the surrounding
9 community have reported serious odor concerns following the fire and during cleanup and debris-
10 removal activities and Respondent is working continuously to mitigate odor impacts and complete
11 removal of debris and food waste as quickly and safely as possible.

12 6. Answering Paragraph 6 of the Petition, Respondent admits the allegations and further
13 states that the Facility is located in the M3 industrial zone, with industrial properties immediately east
14 and west of the Facility, while East Washington Boulevard and extensive BNSF and Union Pacific rail
15 facilities and intermodal yards form a substantial transportation and industrial corridor to the south.

16 7. Answering Paragraph 7 of the Petition, Respondent states that the allegations in
17 Paragraph 7 consist of legal conclusions and quotations or characterizations of District Rule 402 and
18 Health and Safety Code section 41700, and Respondent therefore does not understand Paragraph 7 to
19 require a factual admission or denial. To the extent one is required, Respondent respectfully refers the
20 Hearing Board to the full text of Rule 402 and Health and Safety Code section 41700 for their contents.

21 8. Answering Paragraph 8 of the Petition, Respondent admits that, as of July 21, 2026,
22 District compliance staff had issued nine Notices of Violation (“NOVs”) to Lineage alleging violations
23 of District Rule 402 and Health and Safety Code section 41700 relating to odors. Respondent further
24 admits that odors are emanating from the Facility during demolition and debris- and food-waste removal
25 activities, including as a result of decomposition of the food waste remaining after the fire. Respondent
26 is working continuously to mitigate the impact that these odors have on the surrounding community
27 through extensive clean-up and odor mitigation efforts and by completing the debris removal process as
28 expeditiously as possible.

1 9. Answering Paragraph 9 of the Petition, Respondent admits that the District issued NOV
2 P82956 to Respondent on or about July 12, 2026, alleging violations of District Rule 402 and HSC
3 section 41700.

4 10. Answering Paragraph 10 of the Petition, Respondent admits that the District issued NOV
5 P82955 to Respondent on or about July 13, 2026, alleging violations of District Rule 402 and HSC
6 section 41700.

7 11. Answering Paragraph 11 of the Petition, Respondent admits that the District issued NOV
8 P75935 to Respondent on or about July 14, 2026, alleging violations of District Rule 402 and HSC
9 section 41700.

10 12. Answering Paragraph 12 of the Petition, Respondent admits that the District issued NOV
11 P68083 to Respondent on or about July 15, 2026, alleging violations of District Rule 402 and HSC
12 section 41700.

13 13. Answering Paragraph 13 of the Petition, Respondent admits that the District issued NOV
14 P81976 to Respondent on or about July 16, 2026, alleging violations of District Rule 402 and HSC
15 section 41700.

16 14. Answering Paragraph 14 of the Petition, Respondent admits that the District issued NOV
17 P81664 to Respondent on or about July 17, 2026, alleging violations of District Rule 402 and HSC
18 section 41700.

19 15. Answering Paragraph 15 of the Petition, Respondent admits that the District issued NOV
20 P69340 to Respondent on or about July 18, 2026, alleging violations of District Rule 402 and HSC
21 section 41700.

22 16. Answering Paragraph 16 of the Petition, Respondent admits that the District issued NOV
23 P82921 to Respondent on or about July 19, 2026, alleging violations of District Rule 402 and HSC
24 section 41700.

25 17. Answering Paragraph 17 of the Petition, Respondent admits that the District issued NOV
26 P81327 to Respondent on or about July 20, 2026, alleging violations of District Rule 402 and HSC
27 section 41700.
28

1 18. Answering Paragraph 18 of the Petition, Respondent states that the allegations in
2 Paragraph 18 consist of legal assertions and further states that Respondent has been working diligently
3 and cooperatively to address conditions at the Facility following the fire. Those efforts include
4 demolition and debris-removal work, implementation of measures described in its odor mitigation plan,
5 and other actions intended to reduce odor impacts on the surrounding community, including offering
6 temporary relocation assistance for eligible residents in the neighborhood, as described in public
7 meetings and in a Community Exposure Mitigation Plan submitted to the Los Angeles County
8 Department of Public Health on July 17, 2026.

9 19. Answering Paragraph 19 of the Petition, Respondent admits that the District seeks an
10 Order for Abatement requiring Respondent to cease allegedly violating District Rule 402 and Health and
11 Safety Code section 41700 by implementing enhanced odor mitigation measures or such other remedial
12 measures as the Hearing Board deems appropriate. Respondent is prepared to work with the District on
13 an order that includes feasible, effective, and legally authorized measures, provided that any such order
14 does not impede safe and expeditious completion of demolition and debris removal.

15 20. Answering Paragraph 20 of the Petition, Respondent admits that the District has stated its
16 intent to submit a more detailed proposed order including specific measures to reduce odors to the
17 greatest extent feasible. Respondent further admits that, prior to the filing of the Petition, it engaged
18 with the District on a cooperative basis and that, on or around July 17, 2026, the District issued a
19 demand letter that urged Lineage to implement additional odor mitigation measures, as outlined at
20 Attachment 2 to that letter. Respondent respectfully refers the Hearing Board to the demand letter for its
21 contents. Respondent further states that it has undertaken substantial efforts to respond to conditions at
22 the Facility and implement feasible mitigation measures and that, at the time of the District's issuance of
23 the demand letter, it was already implementing or planning to begin implementation of many of the odor
24 mitigation measures proposed therein.

25 21. Answering Paragraph 21 of the Petition, Respondent states that the allegations in
26 Paragraph 21 consist of legal assertions to which no response is required. To the extent a response is
27 required, Respondent admits that compliance with applicable District rules and state law is generally
28 required, but Respondent currently lacks information on the specific measures that the District intends to

1 include in any proposed order sufficient to admit or deny that entry of any such Order for Abatement
2 would be reasonable, feasible, legally authorized or appropriate under the circumstances.

3 22. Answering Paragraph 22 of the Petition, Respondent states that the allegations in
4 Paragraph 22 consist of legal assertions to which no response is required. To the extent a response is
5 required, Respondent currently lacks information concerning the content of any such Order for
6 Abatement sufficient to assess whether entry of any such Order would avoid an unlawful taking or
7 comply with due process, and Respondent reserves all rights and defenses with respect to the terms,
8 scope, feasibility, timing and legal effect of any proposed Order for Abatement.

9 23. Answering Paragraph 23 of the Petition, Respondent states that the allegations in
10 Paragraph 23 consist of legal assertions to which no response is required. To the extent a response is
11 required, Respondent admits that the Petition states that the requested Order for Abatement is not
12 intended to be, and does not act as, a variance.

13 24. Answering Paragraph 24 of the Petition, Respondent states that the allegations in
14 Paragraph 24 consist of legal and speculative assertions regarding the effect of the requested Order for
15 Abatement and, in the absence of any specified proposed conditions, Respondent cannot admit that any
16 such Order affecting the continued demolition, cleanup and food-removal activities would necessarily be
17 lawful, justified or accompanied by the benefit asserted by the District.

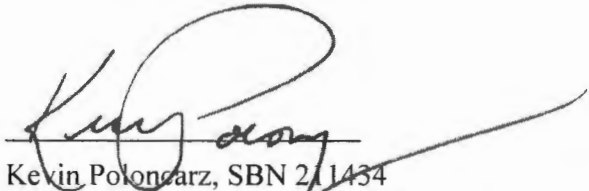
18 25. Respondent reserves all rights, objections and defenses with respect to any proposed
19 findings, proposed order conditions, evidentiary submissions, or requests for relief submitted by the
20 District, including objections based on feasibility, safety, timing, legal authority, due process, and
21 whether any proposed condition would impede completion of demolition, cleanup, debris removal, or
22 odor mitigation, or stand as an obstacle to Respondent's compliance with the requirements of directives
23 issued by other governmental agencies.

24 WHEREFORE, Respondent respectfully requests that the Petition for an Order for Abatement be
25 denied to the extent it seeks relief that is unnecessary, infeasible, unsupported or inconsistent with the
26 safe and expeditious completion of demolition and debris removal. In the alternative, Respondent
27 respectfully requests that any Order for Abatement include only conditions that Respondent has affirmed
28 it can meet and that will not stand as an obstacle to completing demolition and debris removal as

1 expeditiously as possible, so as to mitigate the odor impacts to the surrounding community and the
2 duration of any such impacts to the greatest extent feasible and at the earliest opportunity.

3
4 Dated: July 28, 2026

5 By:


Kevin Poloncarz, SBN 211434
Timothy Duncheon, SBN 338184
COVINGTON & BURLING LLP

Helen Avunjian Kassan, SBN 300284
LINEAGE LOGISTICS PFS, LLC

Attorneys for Respondent

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

Nicholas A. Sanchez, Assistant Chief Deputy Counsel, at nsanchez@aqmd.gov
Josephine Lee, Principal Deputy District Counsel, at jlee4@aqmd.gov
Grace M. LeBlanc, Deputy District Counsel I, at gleblanc@aqmd.gov


Kevin Polencarz