



1 with the Hearing Board a Stipulation to Place Matter on Consent Calendar, the Declaration of  
2 Robert Eland, and the [Proposed] Findings and Order of the Hearing Board. The Declaration of  
3 Robert Eland was received as evidence from Petitioner. The Proposed Findings and Order of the  
4 Hearing Board was received as an exhibit, and the case was submitted. The Hearing Board finds  
5 and decides as follows:

6 Nature of Business and Location of Facility

7 Petitioner operates the Regional Water Quality Control Plant (“RWQCP”), located at 5950  
8 Acorn Street, Riverside, CA 92504, that is a Publicly Owned Treatment Works (PTOW) with a  
9 rated capacity of 46 MGD. RWQCP is responsible for the collection and treatment of wastewater  
10 generated within the City of Riverside and the communities of Edgemont, Jurupa, and Rubidoux,  
11 serving a population of over 300,000 residents. The treatment processes consist of primary,  
12 secondary, and tertiary treatment, including Activated and MBR treatment trains, as well as  
13 disinfection/dichlorination. Additionally, RWQCP handles and treats the sludge produced  
14 throughout the wastewater treatment process. All treated sludge is hauled off site by a third-party  
15 contractor.

16 Equipment and Permit to Operate

17 The equipment that is the subject of this petition is Digester 3 of the RWQCP’s Solids  
18 Handling System. The Digester is an essential part of the RWQCP’s wastewater treatment process,  
19 including continued capability to perform sludge anaerobic digestion, as well as methane  
20 production. Digester 3 is approximately 90’ in diameter and 38’ in height with pump mixers,  
21 pressure relief and vacuum breaker valves, and a carbon adsorber with an approximate capacity of  
22 400 lb. The equipment is operated pursuant to RWQCP’s South Coast AQMD Permit No. G82104,  
23 dated November 25, 2025.

24 **SUMMARY**

25 Petitioner will be in violation of District Rules 203(b) and 430 because such District Rules  
26 require Petitioner to comply with all RWQCP Permit conditions. Petitioner requires a short  
27 variance to take Digester 3 offline and be emptied and depressurized. Digester 4 will replace  
28 Digester 3 and accept its contents. Digester 4 is currently undergoing maintenance, RWQCP staff  
anticipate that it will take several weeks to finalize installation of linear motion mixer/flow meters

1 and to exercise the existing equipment. RWQCP staff will then purge the digester with nitrogen,  
2 which will take one week. The best estimate for Digester 4 availability to accept the contents of  
3 Digester 3 is mid to late May. The leaking in Digester 3 is expected to continue while Digester 4  
4 is being prepared to replace Digester 3. Accordingly, Petitioner will not be able to maintain  
5 compliance with all RWQCP Permit conditions in accordance with District Rules 203(b) and 430.

6 Petitioner requires a short variance to perform the shutdown, emptying, and  
7 depressurization of Digester 3 in order to regain full compliance with all RWQCP Permit  
8 conditions.

### 9 FINDINGS OF FACT

10 Following are the facts and conclusions supporting the findings set forth in Health and  
11 Safety Code Section 42352 necessary to grant the variance. The Executive Officer did not oppose  
12 the granting of the variance.

13 **1. The Petitioner for a variance is, or will be, in violation of Section 41701 or of**  
14 **any rule, regulation or order of the District.**

15 a. On April 16, 2026, at approximately 0800 hours, RWQCP Maintenance  
16 Staff were completing preventive maintenance on Digester 3's mixer when a gas leak was heard.  
17 At approximately 1335 hours after thorough investigation of the area a digester gas leak was  
18 confirmed coming from Digester 3's Sight Glass. RWQCP Regulatory Staff notified AQMD of  
19 the leak at 1444 hours – Breakdown Notification 884797, Operator No. 4. At approximately 1700  
20 hours, RWQCP Maintenance Staff completed their first attempt at stopping the leak utilizing string  
21 packing and silicone self-sealing tape. Three (3) attempts have been completed by RWQCP staff  
22 to stop the leak, and while the leaks have temporarily stopped, the leak has continued intermittently  
23 since it was first reported to AQMD on April 16, 2026. As requested by RWQCP AQMD  
24 Inspector, Charles Herrera, a second Breakdown Notification – Notification No. 885796, Operator  
25 No. 5 – was reported to AQMD on April 23, 2026, at 1325 hours, after the RWQCP's second  
26 attempt to stop the leak did not succeed. RWQCP Operations Staff have continued to monitor the  
27 site for H<sub>2</sub>S every four (4) hours and will continue to monitor until normal operations can be  
28 achieved.

1           b.       On April 17, 2026, a second leak coming from Digester 3's Flame Arrestor  
2 was identified by RWQCP Operations Staff, who reported a second Breakdown Notification was  
3 to AQMD – **Notification No. 884907, Operator No. 5** at approximately at 0903 hours. At  
4 approximately 1300 hours, RWQCP completed its first attempt at stopping the leak by installing  
5 a gasket on the flame arrestor. RWQCP has made multiple attempts at stopping the leak since it  
6 was first reported on April 17, 2026, and while temporarily stopped, the leak has continued  
7 intermittently. RWQCP Operations Staff have continued to monitor the site for H<sub>2</sub>S every four (4)  
8 hours and will continue to monitor until normal operations can be achieved.

9           c.       To achieve full compliance, Digester 3 must first be depressurized, which  
10 requires it to be taken offline and emptied. RWQCP cannot do this until Digester 4 is available to  
11 replace it and accept the contents. Digester 4 is currently undergoing maintenance. RWQCP staff  
12 anticipate several weeks to finalize installation of linear motion mixer/flow meters and to exercise  
13 the existing equipment, then a week to purge the digester with nitrogen. According to our staff  
14 and contractors, the best estimate for Digester 4 availability is mid to late May.

15           d.       Condition 17 of Permit No. G82104, A/N 656209 provides that “operation  
16 of this equipment shall not result in the release of raw digester gas into the atmosphere. Any  
17 breakdown or malfunction of this equipment resulting in the emission of raw digester gas shall be  
18 reported to the South Coast AQMD within one hour of such breakdown or within one hour of the  
19 time the operator knew or reasonably should have known of its occurrence and immediate remedial  
20 measures shall be undertaken to correct the problem and prevent further emissions into the  
21 atmosphere.”

22           e.       Petitioner is in violation of District Rules 203(b) and 430, which require  
23 compliance with permit conditions as Petitioner will be out of compliance with Permit Condition  
24 17 during the replacement of leaking Digester 3 with Digester 4.

25           **2.       Due to conditions beyond the reasonable control of the Petitioner, requiring**  
26 **compliance would result in either (A) an arbitrary or unreasonable taking of property, or**  
27 **(B) the practical closing and elimination of a lawful business.**

28           a.       Due to conditions beyond the reasonable control of the Petitioner, requiring  
compliance would result in the practical closing and elimination of a lawful business because

1 requiring immediate compliance would impose an unreasonable burden upon an essential public  
2 service. Petitioner is a public agency owning and operating the Regional Water Quality Control  
3 Plant, a sewage treatment works (Publicly Owned Treatment Works), that is responsible for the  
4 collection and treatment of wastewater generated within the City of Riverside and the communities  
5 of Edgemont, Jurupa, and Rubidoux, serving a population of over 300,000 residents. Requiring  
6 immediate compliance would impose an unreasonable burden upon an essential public service of  
7 sewage treatment for over 300,000 residents.

8 **3. Closing or taking would be without a corresponding benefit in reducing air**  
9 **contaminants.**

10 a. The closing or taking would be without a corresponding benefit in reducing  
11 air contaminants because Petitioner would not be able to shut down RWQCP operations and cause  
12 great disruption the sewage treatment for over 300,000 residents. Alternatively, if the variance is  
13 granted, Petitioner estimates that the release of raw digester gas is limited to 0.008908 lbs/day.

14 **4. The applicant for the variance has given consideration to curtailing**  
15 **operations of the source in lieu of obtaining a variance.**

16 a. Petitioner considered curtailment. However, curtailing operations is not  
17 practical given the need for the essential public service of sewage treatment. Therefore, curtailment  
18 does not provide a feasible method of compliance, and a short variance is required to complete the  
19 replacement of Digester 3.

20 **5. During the period the variance is in effect, the applicant will reduce excess**  
21 **emissions to the maximum extent feasible.**

22 a. Petitioner has made multiple attempts at stopping the leak since it was first  
23 reported on April 17, 2026, and while temporarily stopped, the leak has continued intermittently.  
24 Petitioner plans to continue monitoring the leaks every 4 hours, 24 hours a day. Calculations to  
25 quantify emission levels will use daily H<sub>2</sub>S concentrations and leak volumes. Accordingly,  
26 Petitioner will continue to attempt to reduce excess emissions to the maximum extent feasible.

27 **6. During the period the variance is in effect, the applicant will monitor or**  
28 **otherwise quantify emission levels from the source and report these emission levels to the**  
**district pursuant to a schedule established by the district.**

1 a. Petitioner will continue to monitor the emissions from the source  
2 consistent with the conditions of variance. Petitioner will conduct perimeter H<sub>2</sub>S monitoring  
3 downwind of Digester No. 3, using a South Coast AQMD approved measurement method, at least  
4 once every 4 hours, until Digester No. 3 is offline. Petitioner will keep and maintain a daily log of  
5 the H<sub>2</sub>S downwind monitoring. Petitioner will conduct H<sub>2</sub>S and volatile organic compounds  
6 (VOC) monitoring of the digester leak sources (e.g. sight glass) as close to the leak source(s) as  
7 safety permits, at least once every 4 hours, until Digester No. 3 is offline. Petitioner will keep and  
8 maintain a daily log of the H<sub>2</sub>S and VOC monitoring. Petitioner will submit a weekly written report  
9 on the status and progress in the digester repair from the RWQCP.

### 10 CONCLUSION AND ORDER

11 Therefore, good cause appearing, the Hearing Board orders as follows:

12 Petitioner is granted a short variance from South Coast AQMD Rules 203(b) and 430, and from  
13 Condition 17 of the City of Riverside Regional Water Quality Control Plant Permit No. G82104,  
14 Application No. 656209 as follows:

- 15 1. This variance shall apply only to the Wastewater Treatment Plant with South Coast  
16 AQMD Permit G82104, Application No. 656209.
- 17 2. Petitioner shall take all reasonable measures to minimize emissions and perform the  
18 following actions, unless otherwise approved in writing by South Coast AQMD.
- 19 3. Petitioner shall conduct perimeter H<sub>2</sub>S monitoring downwind of Digester No. 3, using a  
20 South Coast AQMD approved measurement method, at least once every 4 hours, until  
21 Digester No. 3 is offline and all sludge has been transferred to Digester 4. Petitioner shall  
22 keep and maintain a daily log of the H<sub>2</sub>S downwind monitoring, which shall include the  
23 following:
  - 24 i. Concentration in ppmv,
  - 25 ii. Location, date, and time of monitoring,
  - 26 iii. Measurement method,
  - 27 iv. Specifications of the monitoring device, including the manufacturer and  
28 model.

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- 4. Petitioner shall conduct H<sub>2</sub>S and volatile organic compounds (VOC) monitoring of the digester leak sources (e.g. sight glass) as close to the leak source(s) as safety permits, at least once every 4 hours, until Digester No. 3 is offline and all sludge has been transferred to Digester 4. Petitioner shall keep and maintain a daily log of the H<sub>2</sub>S and VOC monitoring, which shall include the following:
  - i. Concentration in ppmv,
  - ii. Estimated leak flow rate in scf/day, including supporting information, calculations, and assumptions,
  - iii. Location, date, and time of monitoring,
  - iv. Measurement method,
  - v. Specifications of the monitoring device, including the manufacturer and model.
  
- 5. Petitioner shall submit a weekly written report on the status and progress in the digester repair from the facility, by the following Tuesday at 12:00 p.m. by email [Attn: Charles Herrera ([CHerrera@aqmd.gov](mailto:CHerrera@aqmd.gov)), Alisha Lewis ([ALewis@aqmd.gov](mailto:ALewis@aqmd.gov)), and Tony Liu ([TLiu@aqmd.gov](mailto:TLiu@aqmd.gov))]. The report shall contain at a minimum the following information:
  - i. A record or log of all process activities and updates conducted to date and activities taken during the reporting period to bring Digester No. 4 on-line and to take Digester No. 3 offline;
  - ii. Projected increments of progress to bring Digester No. 4 on-line and to take Digester No. 3 offline, including but not limited to the projected schedule (Gantt chart or equivalent);
  - iii. Description of issues, if any, encountered or projected to occur pertinent to the schedule to bring Digester No. 4 on-line and to take Digester No. 3 offline; and
  - iv. Monitoring records and daily logs described in Condition Nos. 3 and 4.
  
- 6. Excess emissions from the equipment shall be calculated in a manner approved by South Coast AQMD staff. All necessary supporting information to determine an appropriate calculation method shall be provided to South Coast AQMD staff.

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- 7. Petitioner shall pay all applicable fees to the Clerk of the Board or the variance shall be invalidated pursuant to Rule 303(k), except for excess emissions fees, which shall be paid within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board.
- 8. Petitioner shall notify the South Coast AQMD (Attention: Charles Herrera ([CHerrera@aqmd.gov](mailto:CHerrera@aqmd.gov)), Alisha Lewis ([ALewis@aqmd.gov](mailto:ALewis@aqmd.gov)), and Kathryn Roberts, ([KRoberts@aqmd.gov](mailto:KRoberts@aqmd.gov)) and Clerk of the Hearing Board ([clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov)) in writing when Digester No. 3 is offline and all sludge has been transferred to Digester 4, including the date and time it is taken offline and the date and time its replacement unit is placed into operation.
- 9. The variance shall cease on notification per Condition 8 above, that Digester No. 3 has been taken offline all sludge has been transferred to Digester 4 and it is in operation, or on July 26, 2026, whichever occurs first.

FOR THE BOARD: \_\_\_\_\_ DATED: \_\_\_\_\_