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8 Attorney for Petitioner
9 VERIZON WIRELESS

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

12 In the Matter of
13 VERIZON WIRELESS,
14 [Facility I.D. No. 123871]

15 Petitioner,

16 vs.

17 SOUTH COAST AIR QUALITY MANAGEMENT
18 DISTRICT,

19 Respondent.

CASE NO. 6139-10

STIPULATION

20 We, the undersigned parties, hereby agree and stipulate as follows:

21 1. The Petitioner and the District agree to have this matter placed on the Hearing Board's
22 Consent Calendar on June 16, 2026, pursuant to District Hearing Board Rule 4(a)(4).

23 2. The Petitioner seeks an interim variance from the provisions of District Rule 203(b) and
24 the 200 operating-hour limitation contained in Condition #4 of the previous active Permit to Operate No.
25 F45895, which still applies despite a new temporary permit in place based on an application filed March
26 13, 2026 which is Application No. 666776. This condition is applicable to the emergency generator at the
27 facility, which is a General Motors 159 hp internal combustion engine, Model GM 8.1L. The variance
will allow operation of the equipment beyond the applicable limit during the variance period, subject to
the conditions in the proposed order. The parties agree that good cause exists for the Hearing Board to
consider Petitioner's request for an interim variance because the need arose from a series of unanticipated

1 and unpredictable Southern California Edison (SCE) power failure events that were not only outside
2 Petitioner's reasonable control but the length of time of the most recent outage was beyond what could be
3 reasonably anticipated or expected such that there was insufficient time to obtain variance relief through
4 the ordinary noticed process. Beginning on February 18, 2026, Petitioner experienced SCE outage events
5 that required emergency operation of the generator. Those February outages caused the generator to
6 accumulate more than 125 hours of operation early in the 2026 calendar year. At that time, however,
7 Petitioner still reasonably expected to maintain compliance with the 200-hour annual operating limit
8 because the generator remained well below the annual limit and Petitioner had no basis to expect that
9 additional extended outage events would occur later in the year. That changed when additional
10 unanticipated SCE outage events occurred in May 2026, including an outage from May 15, 2026 through
11 May 17, 2026. As a result of the May outages and the need to maintain emergency backup power for the
12 Sierra Peak cell tower, the generator accumulated approximately 201.4 hours of operation year-to-date as
13 of May 17, 2026, exceeding the 200-hour annual operating limit in Condition No. 4 of the applicable
14 permit and thereby implicating District Rule 203(b). The exceedance was not the result of ordinary,
15 elective, or discretionary use of the generator, but rather the cumulative result of emergency operation
16 during unanticipated utility outages. Because Petitioner had already exceeded the 200-hour annual
17 operating limit and because deactivating the generator during future utility outages would disable the
18 Sierra Peak cell tower and interrupt communications needed by customers, 911 callers, and emergency
19 response agencies, interim variance relief is necessary pending the noticed hearing on Petitioner's regular
20 variance petition. The proposed interim variance conditions are narrowly tailored to address that need by
21 limiting operation of the engine to emergency usage and limiting maintenance and testing to no more than
22 1.0 hour per month.

23 3. The parties agree to have the Declaration of Zachary Feingold, Regional Environmental
24 Manager for the Petitioner, admitted into evidence regarding this matter.

25 4. The parties agree to incorporate all prior evidence from the *ex parte* emergency variance
26 application, dated May 19, 2026, respectively.

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1 5. The parties agree on a set of (Proposed) Findings and Decision and a (Proposed) Order
2 (which includes proposed conditions) that are attached.

3 6. The District does not oppose the Petitioner’s request for the granting of a variance for the
4 Petitioner.

5 7. The variance sought by the Petitioner is not expected to result in a violation of Health and
6 Safety Code Section 41700.


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9 **SO STIPULATED**

10 **FOR PETITIONER:**

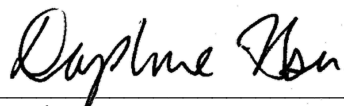
11 **REVIEWED AND APPROVED BY:**

Dated: June 10, 2026

12
13 By: 
14 _____
15 Rick Rothman
Morgan, Lewis & Bockius LLP
Attorney for Petitioner VERIZON WIRELESS

16 **FOR RESPONDENT:**

Dated: June 10, 2026

17
18 By: 
19 _____
20 Daphne Hsu
Principal Deputy District Counsel
South Coast Air Quality Management District

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