

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

In the Matter of	)	Case No. 6139-10
	)	Facility ID 123871
VERIZON WIRELESS	)	
	)	
Order Granting a Regular Variance	)	
	)	
Section 42350 of the California	)	
Health and Safety Code	)	
_____	)	

**STIPULATED [PROPOSED] FINDINGS AND DECISION OF THE HEARING
BOARD**

This petition for a regular variance was heard on the Hearing Board's Consent Calendar on July 28, 2026, in accordance with the provisions of California Health and Safety Code Section 40826 and District Rule 510. The following members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Esq., Vice Chair; Jerry P. Abraham, MD MPH CMQ; Mohan Balagopalan; and Cynthia Verdugo-Peralta. Petitioner, Verizon Wireless (hereinafter "Verizon Wireless" or "Petitioner"), represented by Rick Rothman, did not appear. Respondent, Executive Officer, represented by Principal Deputy District Counsel Daphne Hsu, did not appear. The parties filed with the Hearing Board the Joint Stipulation to Place Matter on Consent Calendar, the Declaration of Zach Feingold, a Timeline in Support of Regular Variance and these [Proposed] Findings and Decision of the Hearing Board. Upon stipulation by both parties, the evidence from the ex parte emergency variance, dated May 21, 2026 and interim variance dated June 16, 2026 was incorporated by reference. The public was given the opportunity to testify. Evidence was received, and the case submitted. The Hearing Board finds and decides as follows:

Nature of Business and Location of Facility

Petitioner operates a wireless telecommunications facility at 7625 Black Star Canyon, Corona, California, Facility ID No. 123871 (the "Facility"), which provides cellular service to its

1 customers. The facility runs on commercial electric power but the facility utilizes a propane-
2 fired emergency generator to provide power during times of commercial power loss, as well as
3 for maintenance and testing of the generator.

4 **Equipment and Permit to Construct/Operate**

5 The equipment subject of this petition consists of an emergency generator internal
6 combustion engine (“ICE”) operated pursuant Permit to Operate G84293, located at Facility ID
7 No. 123871. The ICE is used to provide power when there is an interruption of commercial
8 electric power by Southern California Edison (“SCE”). The ICE provides emergency backup
9 power in the event of a power outage, which allows the Facility to continue uninterrupted
10 cellular service to its customers.

11 **SUMMARY**

12 Petitioner is or will be in violation of District Rule 203(b) and will achieve compliance
13 when the renewal period begins on January 1, 2027, and the engine’s annual operation time
14 allocation starts over. The Hearing Board granted petitioner an ex parte emergency variance
15 dated May 21, 2026 and interim variance dated June 16, 2026.

16 **FINDINGS OF FACT AND CONCLUSIONS**

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

20 **A. Background on Why Petitioner Seeks a Regular Variance**

21 As background, beginning on February 18, 2026, Petitioner experienced SCE outage
22 events that required emergency operation of the generator. Those February outages caused the
23 generator to accumulate more than 125 hours of operation early in the 2026 calendar year. At that
24 time, however, Petitioner still reasonably expected to maintain compliance with the 200-hour
25 annual operating limit because the generator remained well below the annual limit and Petitioner
26 had no basis to know or anticipate that additional extended outage events would occur later in the
27 year. That changed when additional unanticipated SCE outage events occurred in May 2026,
28 including an outage from May 15, 2026 through May 17, 2026. As a result of the May outages

1 and the need to maintain emergency backup power for the Sierra Peak cell tower, the generator
2 accumulated more than 200 hours of operation year-to-date as of May 17, 2026. There was an
3 additional SCE outage on May 26, 2026 that resulted in an additional 15.7 hours of operation of
4 the emergency generator. The exceedance was not the result of ordinary, elective, or discretionary
5 use of the generator, but rather the cumulative result of emergency operation during unanticipated
6 utility outages. Because Petitioner has already exceeded the 200-hour annual operating limit and
7 because deactivating the generator during future utility outages would disable the Sierra Peak cell
8 tower and interrupt communications needed by customers, 911 callers, and emergency response
9 agencies, variance relief is necessary in order to allow for potential additional emergency
10 operations for the remainder of the year. The proposed variance conditions are tailored to address
11 that need by limiting operation of the engine to emergency usage and limiting maintenance and
12 testing to no more than 1.0 hour per month.

14 **B. Regular Variance Findings**

15 **a. The petitioner for a variance is, or will be, in violation of Section 41701 or of any**
16 **rule, regulation, or order of the District.**

17 1. The equipment cannot be operated for the remainder of the year in compliance
18 with District Rule 203(b), which requires compliance with permit conditions, for its emergency
19 engine identified in Permit No. G84293.

20 **b(1). Non-compliance with District Rule(s) is due to conditions beyond the**
21 **reasonable control of the petitioner.**

22 1. Non-compliance is beyond the reasonable control of Petitioner because of
23 Southern California Edison (SCE) power outage events that are unpredictable and unanticipated
24 in terms of the length of time of the outages. Beginning on February 18, 2026, Petitioner
25 experienced SCE outage events that required emergency operation of the generator. Those
26 February outages caused the generator to accumulate more than 125 hours of operation early in
27 the 2026 calendar year. At that time, however, Petitioner still reasonably expected to maintain
28 compliance with the 200-hour annual operating limit because the generator remained well below
the annual limit and Petitioner had no basis to know that additional extended outage events would

1 occur later in the year. That changed when additional unanticipated SCE outage events occurred
2 in May 2026, including an outage from May 15, 2026 through May 17, 2026. As a result of the
3 May outages and the need to maintain emergency backup power for the Sierra Peak cell tower,
4 the generator accumulated more than 200 hours of operation year-to-date as of May 17, 2026.
5 Since the granting of the interim variance, there were two additional SCE outages: one on May
6 26, 2026 that resulted in an additional 15.7 hours of operation of the emergency generator, and
7 one on June 17, 2026 that resulted in 3.1 hours of additional operation of the emergency
8 generator. The current accumulated hours of operation are just over 220. These exceedances
9 were not the result of ordinary, elective, or discretionary use of the generator, but rather the
10 cumulative result of emergency operation during unanticipated utility outages.
11

12 **b(2). Requiring compliance would result in either (1) an arbitrary or**
13 **unreasonable taking of property, or (2) the practical closing and**
14 **elimination of a lawful business.**

15 1. Denial of the variance would cause significant harm to the petitioner, as well
16 as the public, and would create an unreasonable safety risk to the public. Moreover, requiring
17 compliance would result in the elimination of lawful business in that cellular service to the area
18 would be materially and adversely impacted, including the ability to make 911 and other calls
19 vital to public safety.

20 **c. The closing or taking would be without a corresponding benefit in**
21 **reducing air contaminants.**

22 1. Excess emissions for any future operations are as shown below based on 24-hour
23 operation of the emergency engine.

24 NOx: 12.61 lbs/day

25 CO: 16.81 lbs/day

26 VOC: 12.61 lbs/day

27 PM: 1.38 lbs/day, based on 5 lbs./1000 gal

28 SOx: 0.10 lbs/day, based on 0.35 lbs/1000 gal

2. Significant harm to petitioner and public would outweigh the benefit to air quality

1 if the emissions associated with the variance request were eliminated as a result of denying the
2 variance.

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

5 1. Curtailment or shutdown of the ICE would not bring petitioner into
6 compliance because petitioner has already exceeded the 200-hour operating limit for calendar
7 year 2026 and provides critical cellular service to its customers.

8 **e. During the period the variance is in effect, the petitioner will reduce excess emissions**
9 **to the maximum extent feasible.**

10 1. During the period of the variance, Petitioner will reduce excess emissions to the
11 maximum extent feasible.

12 2. Petitioner will only use the ICE in times of emergency and petitioner will limit the
13 period of time needed to perform maintenance and testing to 1 hour per month.

14 3. Petitioner shall comply with the monitoring conditions set forth in the variance
15 conditions.

16 **f. During the period the variance is in effect, the petitioner will monitor or**
17 **otherwise quantify emission levels from the source, if requested to do so by the**
18 **District, and report these emission levels to the District pursuant to a schedule**
19 **established by the District.**

20 1. Petitioner shall maintain a run log of the hours of operation of the ICE
21 during maintenance and testing, and if an emergency occurs, during emergency operation.
22 Petitioner will make such records available to the District as described in the conditions below.

23 **ORDER**

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

25 A. Petitioner is granted a regular variance from Rule 203(b), for an Internal Combustion
26 Engine ("ICE") (Permit No. G84293) for the period commencing July 28, 2026, and continuing
27 through December 31, 2026.
28

1 B. The variance granted herein is subject to the following conditions:

- 2 1. Petitioner shall limit the operation of the Internal Combustion Engine (“ICE”), as
- 3 described in Permit No. G84293, to emergency usage, and the ICE shall operate no
- 4 more than 1.0 hour per month total for maintenance and testing time.
- 5 2. Petitioner shall maintain a monthly operating log for the emergency ICE and shall
- 6 send the records to the South Coast AQMD by email to Jacquelyne Drainville
- 7 (jdrainville@aqmd.gov) on the first Tuesday of each month beginning August 1,
- 8 2026. The operating log shall list all engine operations in the following areas:
- 9 a. Date and hours of emergency operation, and specify the cause of the
- 10 emergency;
- 11 b. Date and hours of maintenance and testing operations; and
- 12 c. Date and hours of any other non-emergency operation.
- 13 3. Petitioner shall pay all applicable fees to the Clerk of the Board or the variance
- 14 shall be invalidated pursuant to Rule 303(k), except for excess emissions fees,
- 15 which shall be paid within fifteen (15) days of notification in writing that the fees
- 16 are due, unless otherwise ordered by the Hearing Board. Petitioner shall calculate,
- 17 record, and report all excess emissions during the variance period, and pay
- 18 appropriate excess emission fees to the Clerk of the Board.
- 19 4. Except as otherwise permitted in variance condition #1, Petitioner shall cease
- 20 operation of the ICE (Permit No. G84293).
- 21

22 BOARD MEMBER: _____

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25 DATED: _____

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