

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

3
4 In the Matter of) **Case No. 6139-10**
5 **VERIZON WIRELESS**) Facility ID 123871
6)
7 Order Granting an Interim Variance)
8 Section 42350 of the California)
9 Health and Safety Code)
_____)

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

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

24 **Nature of Business and Location of Facility**

25 Petitioner operates a wireless telecommunications facility at 7625 Black Star Canyon,
26 Corona, California, Facility ID No. 123871 (the “Facility”), which provides cellular service to its
27 customers. The facility runs on commercial electric power but the facility utilizes a propane-
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1 fired emergency generator to provide power during times of commercial power loss,
2 maintenance and testing.

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

4 The equipment subject of this petition consists of an emergency generator internal
5 combustion engine (“ICE”) operated pursuant to a temporary permit to operate based on South
6 Coast AQMD Application No. 666776, with the prior active permit for the equipment being
7 Permit No. F45895., located at Facility ID No. 123871. The ICE is used to provide power when
8 there is an interruption of commercial electric power by Southern California Edison (“SCE”).
9 The ICE provides emergency backup power in the event of a power outage, which allows the
10 Facility to continue uninterrupted to provide cellular service to its customers.

11 **SUMMARY**

12 Petitioner is or will be in violation of District Rule 203(b) and District Rule 1304(a)(4),
13 and will achieve compliance when the renewal period begins on January 1, 2027, and the
14 engine’s annual operation time allocation starts over. The Hearing Board granted petitioner an
15 ex parte emergency variance dated May 21, 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 interim variance. The Executive Officer did not
19 oppose the granting of the interim variance.

20 **A. Good Cause Findings for Interim Variance**

21 The parties agree that good cause exists for the Hearing Board to consider Petitioner’s
22 request for an interim variance because the need arose from a series of unanticipated and
23 unpredictable Southern California Edison (SCE) power failure events that were not only outside
24 Petitioner’s reasonable control but the length of time of the most recent outage was beyond what
25 could be reasonably anticipated or expected such that there was insufficient time to obtain
26 variance relief through the ordinary noticed process. Beginning on February 18, 2026, Petitioner
27 experienced SCE outage events that required emergency operation of the generator. Those
28 February outages caused the generator to accumulate more than 125 hours of operation early in

1 the 2026 calendar year. At that time, however, Petitioner still reasonably expected to maintain
2 compliance with the 200-hour annual operating limit because the generator remained well below
3 the annual limit and Petitioner had no basis to know or anticipate that additional extended outage
4 events would occur later in the year. That changed when additional unanticipated SCE outage
5 events occurred in May 2026, including an outage from May 15, 2026 through May 17, 2026. As
6 a result of the May outages and the need to maintain emergency backup power for the Sierra Peak
7 cell tower, the generator accumulated approximately 201.4 hours of operation year-to-date as of
8 May 17, 2026, exceeding the 200-hour annual operating limit in the permit and District Rule
9 1304(a)(4). The exceedance was not the result of ordinary, elective, or discretionary use of the
10 generator, but rather the cumulative result of emergency operation during unanticipated utility
11 outages. Because Petitioner has already exceeded the 200-hour annual operating limit and
12 because deactivating the generator during future utility outages would disable the Sierra Peak cell
13 tower and interrupt communications needed by customers, 911 callers, and emergency response
14 agencies, interim variance relief is necessary pending the noticed hearing on Petitioner's variance
15 petition. The proposed interim variance conditions are narrowly tailored to address that need by
16 limiting operation of the engine to emergency usage and limiting maintenance and testing to no
17 more than 1.0 hour per month.

18 Upon finding Good Cause the Board then proceeded to the merits of the Interim Variance
19 and the six (6) Findings.

21 **B. Interim Variance Findings**

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

24 1. The equipment cannot be operated for the remainder of the year in compliance
25 with District Rule 203(b), which requires compliance with permit conditions, and District Rule
26 1304(a)(4) because petitioner has exceeded 200 hours of operation this year (which includes no
27 more than 50 hours in any one year for maintenance and testing purposes) for its emergency
28 engine identified in Application No. 666776.

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

3 1. Non-compliance is beyond the reasonable control of Petitioner because of the
4 Southern California Edison (SCE) power outage events. Beginning on February 18, 2026,
5 Petitioner experienced SCE outage events that required emergency operation of the generator.
6 Those February outages caused the generator to accumulate more than 125 hours of operation
7 early in the 2026 calendar year. At that time, however, Petitioner still reasonably expected to
8 maintain compliance with the 200-hour annual operating limit because the generator remained
9 well below the annual limit and Petitioner had no basis to know that additional extended outage
10 events would occur later in the year. That changed when additional unanticipated SCE outage
11 events occurred in May 2026, including an outage from May 15, 2026 through May 17, 2026. As
12 a result of the May outages and the need to maintain emergency backup power for the Sierra Peak
13 cell tower, the generator accumulated approximately 201.4 hours of operation year-to-date as of
14 May 17, 2026, exceeding the 200-hour annual operating limit in the permit and District Rule
15 1304(a)(4) . The exceedance was not the result of ordinary, elective, or discretionary use of the
16 generator, but rather the cumulative result of emergency operation during unanticipated utility
17 outages.

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

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

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

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

1 NOx: 12.61 lbs/day

2 CO: 16.81 lbs/day

3 VOC: 12.61 lbs/day

4 2. Significant harm to petitioner and public would outweigh the benefit to air quality
5 if the emissions associated with the variance request were eliminated as a result of denying the
6 variance.

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

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

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

14 1. During the period of the variance, petitioner will reduce excess emissions to the
15 maximum extent feasible.

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

18 3. Petitioner shall comply with the monitoring conditions set forth in the variance
19 conditions.

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

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

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

A. Petitioner is granted an interim variance from Rule 203(b) and Rule 1304(a)(4), for an Internal Combustion Engine (“ICE”){identified in Application No. 666776} for the period commencing June 16, 2026, and continuing through August 19, 2026, or the date of the regular variance hearing, whichever comes first.

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

1. Petitioner shall limit the operation of the Internal Combustion Engine (“ICE”), as described in Permit to Operate Application No. (“PO AN”) 666776, to emergency usage, and the ICE shall operate no more than 1.0 hour per month total for maintenance and testing time.
2. Petitioner shall maintain a monthly operating log for the emergency ICE and shall send the records to the South Coast AQMD by email to Jacquelyne Drainville (jdrainville@aqmd.gov) on the first Tuesday of each month beginning July 1, 2026. The operating log shall list all engine operations in the following areas:
 - a. Date and hours of emergency operation, and specify the cause of the emergency;
 - b. Date and hours of maintenance and testing operations; and
 - c. Date and hours of any other non-emergency operation.
3. 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. Petitioner shall calculate, record, and report all excess emissions during the variance period, and pay appropriate excess emission fees to the Clerk of the Board.
4. Except as otherwise permitted in variance condition #1, Petitioner shall cease operation of the ICE (PO AN 666776).

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BOARD MEMBER: _____

DATED: _____

