

1 **HOGAN LOVELLS US LLP**  
J. Tom Boer (State Bar No. 199563)  
2 tom.boer@hoganlovells.com  
3 Maia H. Jorgensen (State Bar No. 344980)  
maia.jorgensen@hoganlovells.com  
4 4 Embarcadero Center, Suite 3500  
San Francisco, California 94111  
5 Telephone: (415) 374-2300  
6 Facsimile: (415) 374-2499

7 Attorneys for Petitioner  
8 *B. BRAUN US PHARMACEUTICAL MANUFACTURING LLC*

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

11 In the Matter of  
12 B. BRAUN US PHARMACEUTICAL  
MANUFACTURING LLC,  
13  
14 Petitioner,  
15  
16 v.  
17 SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT,  
18  
19 Respondent.

CASE NO. 4780-5  
FACILITY ID NO. 117290

**DECLARATION OF ANIEKAN UDOBOT IN  
SUPPORT OF B. BRAUN US  
PHARMACEUTICAL MANUFACTURING  
LLC'S PETITION FOR MODIFICATION /  
EXTENSION OF A FINAL COMPLIANCE  
DATE**

**Date:** October 24, 2024  
**Time:** 9:30 AM  
**Location:** 21865 Copley Drive  
Diamond Bar, CA 91765

1 I, Aniekan Udobot, declare:

2 1. This declaration is made, pursuant to Rule 4 of the SCAQMD Hearing Board Rules  
3 and Procedures, in support of B. Braun US Pharmaceutical Manufacturing LLC’s (“Pharma” or the  
4 “Company”) Petition for Modification of an Existing Variance (the “Modification Petition”) before  
5 the South Coast Air Quality Management District (“SCAQMD” or the “District”) Hearing Board, in  
6 Case No. 4870-5.

7 2. I am a Senior Project Manager II employed at the Company’s manufacturing facility  
8 located at 2525 McGaw Avenue in Irvine, California (the “Irvine Facility” or “Facility”). My  
9 credentials, work history, and details of my role at the Irvine Facility are outlined in my December 6,  
10 2023, declaration filed in support of the Petition for a Regular Variance in Case No. 4780-5 (the  
11 “Variance Petition”).

12 3. I work in the Project Management Department at the Irvine Facility. The Department  
13 oversees efforts to replace the Facility’s two cogeneration turbines (the “Cogens” or “Turbines”) with  
14 two Bloom Energy (“Bloom”) solid oxide fuel cell systems (the “Fuel Cells”). In my capacity as  
15 Senior Project Manager II for the Fuel Cells project, I am responsible for coordinating the project,  
16 including regularly interacting with Bloom and other project stakeholders including Southern  
17 California Edison (“SCE”) which, as described below, plays an important role in the Fuel Cells project.

18 4. In my role as Senior Project Manager II, I am also kept apprised of some of the  
19 business-related changes relevant to the Irvine Facility. One such change occurred in May 2024 –  
20 Pharma assumed ownership and operation of the Irvine Facility from an affiliated entity, B. Braun  
21 Medical Inc. (“BMI” and, together with Pharma, the “Companies”), following the corporate  
22 restructuring of B. Braun of America Inc. (the parent corporation to both Companies). This change  
23 had no material impact on the Fuel Cells project or my role at the Facility.

24 **Irvine Facility Efforts to Comply With the Variance Since December 2023**

25 5. In connection with my job responsibilities, I am familiar with the Findings and  
26 Decision and Order of the Hearing Board in Case No. 4870-5 (the “Variance”), including the  
27 Conditions required by the District during the Variance period.

28

1           6.       The Variance Conditions require submission of quarterly reports to the District. The  
2 required reports, for the first and second quarters of 2024 (the “Q1 and Q2 Quarterly Reports”) were  
3 submitted to Air Quality Inspector, Paolo Longoni via email on April 5 and July 3, 2024, respectively.  
4 I was copied on the transmittal emails to Mr. Longoni and am familiar with the contents of the Q1 and  
5 Q2 Quarterly Reports. The Q1 and Q2 Quarterly Reports confirm that Pharma, and BMI before it, is  
6 in compliance with Variance Condition Nos. 1-7 and 11.

7           7.       The remaining Variance Conditions relate to construction of the Fuel Cell project and  
8 ongoing reporting. These are all in progress. Pharma is actively working towards compliance with  
9 Variance Condition Nos. 8 and 9, which are the subject of the Modification Petition, and compliance  
10 with Condition No. 10 (final compliance notification to the Hearing Board) is anticipated, upon  
11 completion of the Fuel Cells project.

12           8.       Since December 21, 2023, the Companies have worked diligently to implement the  
13 Fuel Cells project to achieve compliance with Rule 1134 and the Variance. To-date, work has  
14 progressed such that the project remains on schedule for completion, consistent with the Variance  
15 requirements as approved by the Hearing Board, with the exception of the delay addressed by  
16 Pharma’s request for an extension. Specifically, since December, the Companies have achieved the  
17 following project milestones:

- 18           • February 8, 2024: Completion of building permit phase.
- 19           • February 23, 2024: Completion of project design phase.
- 20           • April 9, 2024: Fuel Cells yard installation general contractor selected.
- 21           • April 22, 2024: Fuel Cells yard installation commences.
- 22           • May 31, 2024: SCE issues Switchyard A Fuel Cells interconnect agreement for  
23 execution.
- 24           • June 5, 2024: SCE issues Switchyard B Fuel Cells interconnect agreement for  
25 execution.
- 26           • June 25, 2024: Delivery of new 4160 volt (“V”) switchgear for Irvine Facility’s  
27 Switchyard A.

- 1 • July 1-2, 2024: Planned SCE electrical outage at Switchyards A and B. During this  
2 outage, Fuel Cell feeder wires – which will be used to connect the Fuel Cells to the  
3 Pharma electrical system and SCE electrical grid – are installed at Switchyard B and  
4 pulled but not terminated at Switchyard A, due to insufficient cabling length. The new  
5 switchgear is also installed at Switchyard A.
- 6 • July 10, 2024: Sothern California Gas Company completes new gas main installation  
7 for the Fuel Cells yard.
- 8 • July 31, 2024: Completion of Fuel Cells hardware installation.

9 **Project Delays Due to Unforeseen Electrical Upgrades**

10 9. The National Electrical Code (the “Code”) requires a 4160V switchgear to receive  
11 feeder wires from underneath. Given this requirement, I contacted SCE, in February 2024, to  
12 commence review of the new switchgear planned for Switchyard A and to identify the route of the  
13 cable trench to connect to the new switchgear. During a site visit on March 18, 2024, at which I was  
14 present, SCE determined that a new cable trench would be required to install and connect the new  
15 utility feeder wires into the bottom of the new Switchyard A switchgear. The cable trench path was  
16 determined as part of an SCE design process which ran through mid-May of 2024. After completing  
17 the design process, SCE identified a series of upgrades that would be required before the Switchyard  
18 A feeder wires could be installed.

19 10. Specifically, SCE is requiring the following structural and electrical upgrades to  
20 equipment in the onsite SCE yard located adjacent to Switchyard A:

- 21 • Installation of conduit path and structures (Pharma’s responsibility):
  - 22 • Demo and installation of new equipment pad;
  - 23 • Installation of slab boxes for new SCE equipment; and
  - 24 • Installation of underground conduits and cable trench.
- 25 • Removal and installation of conductor cabling and equipment (SCE’s responsibility).

26 11. On May 7, 2024, SCE provided me with a preliminary map depicting these proposed  
27 yard upgrades via email. On May 17, SCE provided me with an estimated timeline for completion of  
28

1 the upgrades via email (the “SCE Timeline”). Based on the SCE Timeline, SCE anticipates  
2 completion of necessary upgrades in December 2024. This estimate is based on the following  
3 assumptions and proposed interim deadlines:

- 4 • By August 10, SCE provides Pharma with final design for yard upgrades and Pharma  
5 approves the design (Step 2B). Step 2B was completed on August 13.
- 6 • By September 10, Pharma complies with a list of customer requirements (Step 3).  
7 Pharma anticipates that certain customer requirements including, e.g., installation of  
8 underground facilities and SCE inspection and release of same, will now occur after  
9 September 10, however Pharma does not anticipate that this will materially impact  
10 SCE’s ability to proceed with Step 4.
- 11 • By October 25, SCE secures final permits for construction, orders necessary materials,  
12 and schedules onsite crew (Step 4).
- 13 • By December 24, SCE completes job construction and energization of the switchgear  
14 at Switchyard A (Step 5). SCE was originally targeting project completion by  
15 December 1 (as outlined in the SCE Timeline). However, as of mid-August,  
16 energization is expected by December 24.

17 **SCE’s Role for the Fuel Cells Project**

18 12. The Fuel Cells cannot be powered-up for routine use at the Irvine Facility until  
19 interconnection of the Switchyard A Fuel Cell is complete. This requires SCE approval.

20 13. SCE serves three essential functions for the Fuel Cells project:

- 21 • Interconnect Agreements: SCE is responsible for reviewing and approving the  
22 operation, metering, and interconnection of the Fuel Cells to SCE’s distribution and  
23 transmission systems (i.e., the electrical grid).
- 24 • Primary Switchgear Review: SCE is responsible for inspecting customer-installed  
25 switchgear to ensure that it complies with applicable Electrical Service Requirements  
26 (currently, ESR-7) prior to closing the utility main breaker and connecting the new  
27 switchgear to the electrical grid. As noted above, new 4160V switchgear for  
28

1 Switchyard A was delivered to the Irvine Facility at the end of June and installed in  
2 early July. SCE’s switchgear inspection process is currently in progress.

- 3 • Reroute Utility Feeder Wires/Upgrades to Onsite Equipment: SCE is responsible for  
4 making changes to its electrical equipment, as needed, in order to facilitate compliant  
5 interconnection of the Fuel Cells with the electrical grid. At the Irvine Facility, certain  
6 changes need to be made to the routing of the SCE feeder wires that will connect the  
7 Fuel Cell at Switchyard A to the grid.

8 **Impact of SCE Upgrades on Fuel Cells Project Timeline**

9 14. As a result of the anticipated delay associated with the SCE upgrades, the Fuel Cells  
10 will not be operational by the current October 31, 2024, final compliance deadline set by the Variance.  
11 This delay is outside of Pharma’s control.

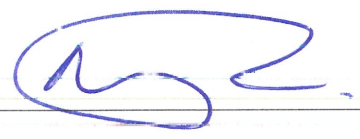
12 15. The timeline in the original Variance was based on Bloom’s estimate that SCE  
13 interconnection would be completed by the end of July 2024. That timeline did not anticipate that  
14 comprehensive upgrades to SCE’s onsite yard would be required. It was unknown to BMI, at the time  
15 of the Variance Petition in 2023, that these significant upgrades would be required. Information about  
16 the extent of the required upgrades was not available until SCE completed its site visit and design  
17 process in connection with the overall project. Based on feedback from SCE, Pharma projects that  
18 these required upgrades will be complete by December 24, 2024.

19 16. I and my team at the Irvine Facility are working collaboratively with SCE towards the  
20 December 24 energization date. At this time, we are optimistic that date is achievable. So far, yard  
21 upgrade work is on track such that the required SCE upgrades are still anticipated to be completed by  
22 December 2024. Step 2B was completed on August 13, and my team is already in discussions with  
23 SCE regarding Step 3.

24 17. On June 18, 2024, Bloom provided me with a revised project schedule for the Fuel  
25 Cells project (the “Project Schedule”), incorporating additional time for the SCE yard upgrades, via  
26 email. Following energization, Bloom estimates a month will be required to complete microgrid  
27 transfer for the Switchyard A Fuel Cell. Therefore, provided that the December 24 energization date  
28

1 is met, Bloom anticipates the Fuel Cells project will be concluded by the end of January 2025. At that  
2 point, the Cogens can be deactivated and the Facility can be powered by the newly installed Fuel Cells  
3 and the utility grid.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing  
5 is true and correct. Executed this 29th day of August, 2024 at Irvine, California.

6 

7 \_\_\_\_\_  
8 ANIEKAN UDOBOT  
9 Senior Project Manager II  
10 Pharma

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28