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6 Attorney for Petitioner
7 Los Angeles County Sanitation Districts

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

10
11 In the Matter of

Case No. 3715-22

12 LOS ANGELES COUNTY SANITATION
13 DISTRICTS

**STIPULATION RE CONSENT
CALENDAR**

14 Petition for a Short Variance

DATE: November 12, 2024
TIME: 9:30 a.m.

15 Facility ID No. 800236

16
17 LOS ANGELES COUNTY SANITATION DISTRICTS (“Petitioner”) and the Executive
18 Officer of the South Coast Air Quality Management District (“Respondent” or “Executive
19 Officer”) hereby agree and stipulate as follows:

20 1. This matter should be placed on the Hearing Board’s Consent Calendar for November 12,
21 2024.

22 2. The Declaration of Warisa Niizawa may be admitted into evidence regarding this matter.
23 That declaration is attached as Exhibit 1 to this Stipulation. The declaration provides factual
24 support for the findings the Hearing Board is required to make to grant a variance.

25 3. The parties have agreed upon proposed findings, decision, and a variance order including
26 conditions. A copy of the Proposed Findings and Decision will be lodged with the Clerk of the
27 Board at the same time this Stipulation is filed.

1 4. Respondent Executive Officer does not oppose granting the variance as set forth in the
2 Proposed Findings and Decision lodged herewith.

3 5. Operation under the variance order is not expected to result in a violation of Health &
4 Safety Code Section 41700.

5

6 Dated: November 6, 2024

LAW OFFICE OF CURTIS L. COLEMAN

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8

By: 

9

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Curtis L. Coleman
Attorney for Petitioner
Los Angeles County Sanitation Districts

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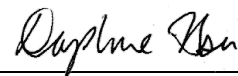
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13 Dated: November 6 , 2024

SOUTH COAST AIR QUALITY MANAGEMENT
DISTRICT

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By: 

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Daphne Hsu
Principal Deputy District Counsel
Attorney for Respondent
Executive Officer

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

10
11 In the Matter of

Case No. 3715-22

12 LOS ANGELES COUNTY SANITATION
13 DISTRICTS,

**DECLARATION OF
WARISA NIIZAWA IN SUPPORT OF
SHORT VARIANCE**

14 Petition for a Short Variance

15 DATE: November 12, 2024
16 TIME: 9:30 a.m.

17 Facility ID No. 800236

18 I, Warisa Niizawa, declare:

19 **DECLARANT**

20 1. I am employed as a Supervising Engineer in the Air Quality Engineering Section of the
21 Los Angeles County Sanitation Districts (LACSD) at its headquarters located at 1955 Workman
22 Mill Road, Whittier, California 90607. I have worked for LACSD for five years, four years as a
23 project engineer, and one year as a supervising engineer. With my previous employer, OC Waste
24 & Recycling, I was a senior engineer for eight years and a project engineer for five years. If called
25 as a witness, I would testify to the information in the following numbered paragraphs based on my
26

27
28 *Los Angeles County Sanitation Districts Case No. 3715-22*
Declaration of Warisa Niizawa

EXHIBIT 1

1 personal knowledge. Headings in bold and capitals are to clarify to which findings the testimony is
2 directed.

3 2. I have reviewed the petition for short variance filed in this matter and the matters stated
4 therein are true and correct to the best of my knowledge, although we have refined the length of
5 time for which we are requesting variance coverage. I have also reviewed the Proposed Findings
6 and Decision submitted in this matter and the proposed findings of fact are true and correct to the
7 best of my knowledge.

8 **PETITIONER AND FACILITY**

9 3. Petitioner, LOS ANGELES COUNTY SANITATION DISTRICTS (“Petitioner” or
10 “LACSD”) is a public agency focused on converting waste into resources like recycled water,
11 energy and recycled materials. The agency consists of 24 independent special districts serving
12 about 5.5 million people in Los Angeles County. The service areas in the map below cover
13 approximately 850 square miles and encompass 78 cities and unincorporated areas in the county.
14 To maximize efficiency and reduce costs, the 24 Sanitation Districts work cooperatively with
15 one administrative staff headquartered near the City of Whittier.

16 4. One of the facilities operated by Petitioner is the A.K. Warren Water Resources Facility
17 (the Facility). It is a wastewater treatment plant that currently provides primary and secondary
18 treatment for a design capacity of 400 million gallons of wastewater per day, and serves over 4.8
19 million residents, businesses, and industries. It is located at 24501 South Figueroa Street, Carson,
20 California. The Facility is a vital component of a network of seven treatment facilities known as
21 the Joint Outfall System (JOS). The JOS provides regional wastewater treatment for Los Angeles
22 County, covering an extensive area including 73 cities and unincorporated county territory. The
23 facility provides centralized processing of solids removed during wastewater treatment for all JOS
24 facilities, producing renewable electricity and reusable biosolids. The treated water from the
25 Facility is sent to the Pacific Ocean through tunnels and outfall pipes extending approximately two
26 miles off the coast of the Palos Verdes peninsula. The Facility provides both primary and
27

1 secondary treatment for approximately 260 million gallons of wastewater per day and operates 24
2 hours, 7 days per week, and 52 weeks per year.

3 **AFFECTED EQUIPMENT**

4 5. The equipment that is the subject of the short variance is a continuous emission monitoring
5 system (CEMS) that monitors emissions from three combustion turbines located at the facility.
6 These turbines are part of three cogeneration systems, each consisting of a Solar Mars 90-1300
7 113 mmBTU/hr digester and natural gas fired turbine, a waste heat recovery boiler, and an 8700
8 kilowatt steam turbine generator. Each cogeneration system is operated pursuant to permits issued
9 by the SCAQMD. Those permits are attached to the variance petition and have SCAQMD Permit
10 Nos. R-G2781, R-G2782 and R-G2783.

11 6. The permits for the cogeneration systems require emissions of NOx and oxygen to be
12 always monitored when the combustion turbines are in operation. Specifically, Permit Conditions
13 1, 2 and 9 set forth those requirements. Additionally, District Rule 218(b) requires the CEMS to be
14 in operation whenever equipment it is monitoring is in operation. Petitioner has one CEMS central
15 control unit that monitors inputs from three sets of analyzers, one set for each combustion turbine.

16 7. The turbines are used to generate electrical power and steam for the wastewater treatment
17 processes at the Facility. Digester gas produced as a byproduct of the wastewater treatment
18 process is combusted in the turbines. This allows waste gases that would otherwise have to be
19 combusted in flares to be used beneficially to provide electrical power and steam to meet the needs
20 of the Facility. Normally, two combustion turbines are operated at any one time with one in
21 reserve.

22 8. There are also flares at the Facility that can be used to burn off excess digester gas,
23 however flaring the waste digester gas does not produce any energy or steam so it provides no
24 beneficial use associated with the combustion of the digester gas.

25 **PURPOSE OF VARIANCE**

26 9. Petitioner needs to take the CEMS off-line to perform maintenance and upgrade activities
27 to make the CEMS compliant with the requirements of District Rules 218.2 and 218.3. Rule

1 218.2(d)(2)(B) requires Petitioner’s CEMS to be upgraded to meet the rule requirements by
2 January 1, 2025.

3 10. This variance is sought to allow the CEMS to be offline during the upgrade process while
4 still allowing the combustion turbines to operate to provide electricity and steam needed to operate
5 the wastewater treatment process at the Facility.

6 **PETITIONER IS OR WILL BE IN VIOLATION OF DISTRICT RULES**

7 11. Petitioner will be in violation of District Rules 203(b), 218(b) and 3002(c) when it takes
8 the CEMS serving the three combustion turbines at the Facility off-line while continuing to
9 operate any of the combustion turbines. Specifically, Petitioner will be in violation of Condition
10 Nos. 1, 2 and 9 in Permit Nos. R-G2781, R-G2782 and R-G2783 to the extent that those permit
11 conditions require the certified CEMS at the Facility to be in operation and monitoring emissions
12 from the combustion turbines identified in those permits, whenever the combustion turbine is in
13 operation. Petitioner will also be in violation of SCAQMD Rule 218(b) to the extent that the rule
14 requires the certified CEMS at the Facility to be in operation and monitoring emissions from any
15 of the combustion turbines identified in Permit Nos. R-G2781, R-G2782 and R-G2783 when they
16 are in operation.

17 **COMPLIANCE IS BEYOND PETITIONER’S REASONABLE CONTROL**

18 12. Petitioner needs to upgrade the CEMS to meet new SCAQMD CEMS requirements by no
19 later than January 1, 2025 so at some point before then the CEMS will have to be taken off-line.

20 13. Although Petitioner could divert the waste digester gas to the flares located at the Facility,
21 that would not be a reasonable requirement due to the factors set forth below.

22 **REQUIRING COMPLIANCE WOULD RESULT IN AN ARBITRARY OR**
23 **UNREASONABLE TAKING OF PROPERTY AND IMPOSE AN UNDUE**
24 **BURDEN ON AN ESSENTIAL PUBLIC SERVICE**

25 14. Petitioner is a public agency. It provides sewage (wastewater) treatment. Requiring
26 Petitioner to comply with SCAQMD rules by not operating any of its combustion turbines would
27 impair Petitioner’s ability to generate electricity and steam via the beneficial use of waste digester

1 gas using equipment permitted by the SCAQMD and which would be operated in compliance with
2 all emission limits during the variance. It would amount to the closing of a lawful electrical and
3 steam generating system. It would also impose an unreasonable burden on Petitioner by requiring
4 it to purchase electricity from the grid at a cost of \$25,000 per day which would be borne by its
5 ratepayers.

6 **THE CLOSING OR TAKING WOULD BE WITHOUT A CORRESPONDING**
7 **BENEFIT IN REDUCING AIR CONTAMINANTS**

8 15. The operation of the combustion turbines and cogeneration systems during the variance
9 will continue to comply with all SCAQMD rule and permit imposed emission requirements. The
10 variance will not authorize any excess emissions and no excess emissions are expected.

11 **PETITIONER HAS GIVEN CONSIDERATION TO CURTAILING OPERATIONS**
12 **IN LIEU OF SEEKING A VARIANCE**

13 16. Petitioner cannot curtail operations at the Facility as it must treat the wastewater received
14 and has no control over the amount of wastewater received. Additionally, curtailment of the
15 combustion turbines would mean flaring at the facility instead.

16 **DURING THE VARIANCE PETITIONER WILL REDUCE EXCESS EMISSIONS**
17 **TO THE MAXIMUM EXTENT PRACTICABLE**

18 17. Emissions from the operation of the combustion turbines during the variance will comply
19 with all emission limits imposed by SCAQMD rules and permit conditions.

20 **DURING THE PERIOD THE VARIANCE IS IN EFFECT, PETITIONER WILL**
21 **MONITOR OR OTHERWISE QUANTIFY EMISSION LEVELS FROM THE**
22 **SOURCE, IF REQUESTED TO DO SO BY THE DISTRICT, AND REPORT**
23 **THESE EMISSION LEVELS TO THE DISTRICT PURSUANT TO A SCHEDULE**
24 **ESTABLISHED BY THE DISTRICT**

25 18. Petitioner will monitor emissions during the variance period by renting a certified data
26 acquisition and processing unit to accept and log data from the analyzers monitoring emissions
27

1 from each combustion turbine. This will allow the SCAQMD to assure that no excess emissions
2 will occur from the combustion turbines during the variance.

3 **SUMMARY AND REQUESTED VARIANCE RELIEF**

4 19. The variance is being requested to allow Petitioner to perform a required upgrade to the
5 CEMS serving the three combustion turbines at the Facility. The upgrade is required to allow the
6 CEMS to comply with District Rule 218.2 by January 1, 2025. It is necessary for the CEMS to be
7 taken offline to perform this upgrade.

8 20. The upgrade activities are expected to take no more than ten calendar days, commencing
9 on November 15, 2024 and ending no later than midnight November 25, 2024.

10 21. Petitioner will achieve compliance by completing the upgrade work on the CEMS and
11 returning it to service as soon as the upgrade process is complete.

12 22. Petitioner agrees that the conditions contained in the Proposed Findings and Decision
13 provided to the Hearing Board are acceptable may be imposed in a variance order in this case.

14 23. Petitioner requests that a short variance be granted from District Rule 203(b), 218(b) and
15 3002(c) as follows:

16 a. From Condition Nos. 1, 2, and 9 in Permit Nos. R-G2781, R-G2782 and R-
17 G27834 and from Rule 218(b) to allow the CEMS serving the combustion turbines
18 identified in those permits to be taken offline for purposes of performing upgrades
19 even if the combustion turbine served by the CEMS is operating; and

20 b. The period requested for the variance is from November 15, 2024 through
21 November 25, 2024 or until the upgrade activities are completed and the CEMS is
22 returned to service, whichever occurs first.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct. Executed at Whittier, California on November 6, 2024

25
26 
27 _____
28 Warisa Niizawa