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10 South Coast Air Quality Management District

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

13 **In the Matter of**

14 NEW CINGULAR WIRELESS PCS, LLC  
15 DBA AT&T MOBILITY  
16 [Facility ID No. 165640]

17 Petitioner.

18 vs.

19 SOUTH COAST AIR QUALITY  
20 MANAGEMENT DISTRICT.

21 Respondent.

CASE NO. 5991-2

**DECLARATION OF BILL  
WINCHESTER IN SUPPORT OF  
SHORT VARIANCE**

Hearing Date: November 20, 2024  
Time: 9:30 a.m.  
Place: Hearing Board  
South Coast Air Quality  
Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

22 **I. DECLARATION OF BILL WINCHESTER**

23 I, Bill Winchester, declare as follows:

- 24 1. I am a consultant hired by AT&T Mobility to support the variance process. I am employed  
25 by Montrose Environmental Solutions, Inc. and hold a valid Certified Permitting  
26 Professional License. I either have first-hand knowledge of events or have interviewed  
27 company staff or have reviewed information and data related to this Short Variance, and I  
28 am competent to testify to the facts set forth herein.
2. The facility is an unmanned cellular telecommunications site, which includes a shelter

1 containing telecommunications hardware, a cell tower equipped with microwave antennas,  
2 and a 50-kilowatt emergency generator set with an 85.92 bhp LPG-fired emergency engine  
3 equipped with a three-way catalyst (catalytic converter) and air-to-fuel ratio controller  
4 served by an LPG fuel tank. The facility is located at Strawberry Peak Lookout, which is at  
5 an elevation of approximately 6,200 feet above sea level, near the community of Rimforest,  
6 California, that hosts a U.S. Forest Service fire lookout site, visitors center, and several  
7 cellular telecommunications facilities, including AT&T Mobility. The AT&T Mobility  
8 facility is responsible for supporting Emergency 911 coverage in the area and requires  
9 electricity to keep equipment online to provide telecommunications services. The site has  
10 access to utility power via the property owner's electrical infrastructure, but in the event of  
11 a power failure, the emergency generator operates to keep the AT&T Mobility facility  
12 powered.

- 13 3. AT&T Mobility cannot provide telecommunications services without electricity, so the  
14 emergency generator is necessary to ensure that the facility is able to maintain critical  
15 telecommunications services in the event of a utility power failure.
- 16 4. The utility switchgear at the site is controlled by the property owner and includes several  
17 electrical utility boxes with components that allow utility power to be distributed to the  
18 various facilities, including AT&T Mobility.
- 19 5. On June 28, 2024, around 15:19, the utility switchgear at the site was vandalized, severing  
20 the site from utility power. At this time, the AT&T Mobility emergency generator  
21 activated to keep the facility energized to maintain telecommunications services. AT&T  
22 Mobility had no control over the criminal act leading to the power failure that necessitated  
23 emergency generator operation.
- 24 6. AT&T Mobility contacted the property owner on July 1, 2024, to inform them of the  
25 ongoing power outage and to request prompt repairs to restore utility power; the emergency  
26 generator continued to operate for emergency purposes.
- 27 7. On July 17, 2024, the repairs to the switchgear were completed by the property owner,  
28 thereby restoring utility power to the site and AT&T Mobility was able to shut down its

1 emergency generator.

- 2 8. The amount of time that the emergency generator had to operate during the prolonged  
3 utility power failure led to an exceedance of the permitted 200 total hour operating limit in  
4 SCAQMD Permit to Operate No. G10277 (A/N 514993).
- 5 9. Although the AT&T Mobility site technicians and supporting operational staff were aware  
6 of the extended emergency generator run, they did not realize that the permit limit had been  
7 exceeded. The staff failed to inspect its permit and identify the violation.
- 8 10. On August 7, 2024, the AT&T Mobility's engine service contractor ran the emergency  
9 generator for normal testing and maintenance purposes and was not aware of the violation  
10 of permit conditions.
- 11 11. On August 21, 2024, a SCAQMD inspector visited the site and issued Notice of Violation  
12 No. P79713 to the AT&T Mobility Environmental Site Manager (ESM) for the violation of  
13 SCAQMD rules and permit conditions. The ESM immediately alerted AT&T Mobility's  
14 corporate Environmental Health and Safety (EH&S) division in Dallas, Texas.
- 15 12. AT&T Mobility's EH&S immediately opened an investigation into the circumstances that  
16 resulted in the violation.
- 17 13. AT&T Mobility's EH&S began discussions with corporate management and legal counsel  
18 to determine whether it was possible to shut the engine down for the remainder of the year,  
19 potentially risking the loss of a critical telecommunications facility responsible for  
20 Emergency 911 support in the area, or if it needed to file a petition for variance with  
21 SCAQMD to seek authorization to allow for additional readiness testing and emergency  
22 operations, thereby ensuring that the facility would remain online in the event of further  
23 power failures.
- 24 14. On September 5, 2024, the Line Fire was started by a criminal act of arson and local and  
25 regional emergency response agencies began efforts to contain the wildfire. The fire  
26 started approximately 9 miles southeast of the AT&T Mobility facility, raising concern of  
27 further power failures in the area, whether due to damage and/or Public Safety Power  
28 Shutoffs (PSPS).

- 1 15. On September 12, 2024, AT&T Mobility received authorization from management and  
2 legal counsel to proceed with a SCAQMD variance petition. On September 16, 2024,  
3 AT&T Mobility asked its consultant, Montrose Environmental Solutions, Inc. to assist in  
4 the preparation of the petition form for a variance and provided the consultant with  
5 information about the facts and circumstances of the violation.
- 6 16. Due to the Line Fire affecting areas near the AT&T Mobility facility, the power utility  
7 company shut down power to the site on September 19 and 20, 2024. The AT&T Mobility  
8 emergency generator ran for one (1) hour on each day during the PSPS events. AT&T  
9 Mobility understands that these additional emergency operations may constitute additional  
10 violations; however, due to the critical nature of the site for Emergency 911  
11 telecommunications services and the nearby wildfire threatening the area, preventing the  
12 emergency generator from running during power failures could put public health and safety  
13 at risk.
- 14 17. On October 9, 2024, the variance petition form was completed, signed by AT&T  
15 Mobility's responsible official and approved by management and legal counsel to be  
16 submitted to SCAQMD's Clerk of the Board. The petition was delivered to the Clerk of  
17 the Board electronically on the same date via email. Hardcopies of the petition were  
18 delivered to the Clerk of the Board on October 10, 2024.
- 19 18. On January 1, 2025, AT&T Mobility will be able to run the emergency generator again  
20 without the need for a variance, as it will be granted a new allowance of 200 total operating  
21 hours for the 2025 calendar year. Until then, a Short Variance is being requested to allow  
22 AT&T Mobility to operate its emergency generator through December 31, 2024, both for  
23 limited readiness testing and for emergency purposes (if any).
- 24 19. As of November 11, 2024, the Line Fire is 98% contained and no longer presents an  
25 eminent threat to the immediate areas surrounding the AT&T Mobility facility; however,  
26 high winds or other factors may lead to additional PSPS outages in the area. Furthermore,  
27 the Strawberry Peak site has been targeted by vandalism before and there is some risk that  
28 it could happen again. AT&T Mobility has no control over PSPS or criminal activity.

1 20. The variance is needed to protect public health and safety in the area, as it would ensure  
2 AT&T Mobility can keep its cellular telecommunications services online in the event of  
3 utility power failures. This includes critical Emergency 911 communications services  
4 provided by AT&T Mobility's facility, serving the nearby towns of Rimforest and Twin  
5 Peaks.

6 21. AT&T Mobility is requesting the ability to run its emergency generator for testing and  
7 maintenance for one (1) hour in November 2024, and one (1) hour in December 2024, and  
8 an allowance to operate during emergency events through December 31, 2024.

9 22. AT&T Mobility agrees to maintain an engine run log in conjunction with a non-resettable  
10 elapsed hour meter and will monitor and record any operations of the emergency generator  
11 during the variance period.

12 23. AT&T Mobility will calculate excess emissions during the variance period based on the  
13 calculated hourly maximum emission rate times the number of operating hours in the log.

14 24. AT&T Mobility agrees to pay required excess emissions fees in accordance with  
15 SCAQMD Rule 303. On any day that the engine operates, AT&T will be subject to a  
16 minimum daily fee of \$242.25. Given the low pollutant emission rates for the engine, it is  
17 not possible for engine operations to trigger a higher daily excess emissions fee.

18 25. The engine is fired on LPG fuel and is equipped with a three-way catalyst that reduces  
19 emissions of criteria pollutants and toxic air contaminants; any operations during the  
20 variance period are not expected to cause or significantly worsen any violation of ambient  
21 air quality standards or pose a significant health risk to any receptors in the area.

22  
23 I declare under penalty of perjury under the laws of the State of California that the forgoing is  
24 true and correct, and that this declaration was executed on November 6, 2024, in Ontario,  
25 California.

26  
27 DATED: November 13, 2024

By: 

Bill Winchester, C.P.P.