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SOUTH COAST AIR QUALITY
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PETITION FOR MODIFICATION OF AN EXISTING VARIANCE
BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

PETITIONER: B. Braun US Pharmaceutical Manufacturing LLC

CASE NO: 4780-5

FACILITY ID: 117290

FACILITY ADDRESS: 2525 McGaw Avenue

CITY, STATE, ZIP: Irvine, California 92614

1. TYPE OF MODIFICATION REQUESTED

- (a) **MODIFICATION/EXTENSION OF A FINAL COMPLIANCE DATE:** If you are operating under a variance and will not be in full compliance by the final compliance date, you may request an extension of the variance and a modification of the final compliance date. **A petition requesting such an extension must be filed at least 45 days prior to the existing final compliance date in order to meet the legal notice requirement.** (Hearing will be held approximately 45 days from date of filing--30-day published notice required.)
- (b) **MODIFICATION OF VARIANCE CONDITIONS:** If you are unable to comply with one or more conditions of an existing variance, you may request a modification of variance conditions. (Hearing will be held approximately 21 days from date of filing--10-day published notice required)
- (c) **MODIFICATION OF INCREMENTS OF PROGRESS:** If you are unable to comply with one or more increments of progress of an existing variance and additional time is required, you may request a modification of those increments of progress. (Hearing will be held approximately 21 days from date of filing--10-day published notice required.)
- (1) **INTERIM AUTHORIZATION:** If compliance with an increment of progress cannot be achieved and you are unable to notify the Hearing Board at least 21 days in advance in order to schedule a noticed hearing, the Board can consider granting one extension of the increments of progress (interim authorization). **However**, an interim authorization cannot be granted: (1) for more than 30 days; or (2) to extend a final compliance date of an existing variance. (Hearing will be held approximately 2 working days from date of filing or the next available hearing date thereafter.)
- (d) OTHER: Specify:

Persons with disabilities may request this document in an alternative format by contacting the Clerk of the Board at 909-396-2500 or by e-mail at clerkofboard@aqmd.gov.

If you require disability-related accommodations to facilitate participating in the hearing, contact the Clerk of the Board at least five (5) calendar days prior to the hearing.

[ALL DOCUMENTS FILED WITH CLERK'S OFFICE BECOME PUBLIC RECORD]

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2. **CONTACT:** Name, title, company (if different than Petitioner), address, and phone number of persons authorized to receive notices regarding this Petition (no more than two authorized persons).

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<u>E-mail tom.boer@hoganlovells.com</u>	<u>E-mail pete.klaes@bbraunusa.com</u>

3. List the equipment and/or activity that are the subject of this petition, if different from the existing variance. **(Attach copy of last minute order regarding this variance)**

No change from existing Variance. See Findings and Decision and Order of the Hearing Board, Case No. 4780-5, dated December 21, 2023 (the "Variance"), attached hereto as Petitioner's Exhibit No. 12, and Minute Order of the Hearing Board, Case No. 4780-5, dated December 19, 2023, attached hereto as Petitioner's Exhibit No. 13.

4. List all District rules, and/or permit conditions from which you are requesting variance relief, if different from the existing variance. *Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate the subject equipment **only if you are adding** a request for relief from permit conditions. If RECLAIM or Title V facility, attach only the relevant sections of the Facility Permit (for example, showing the equipment or process and conditions that are the subject of this petition).*

No change from existing Variance. See Petition for Regular Variance, Case No. 4780-5, filed on November 3, 2023 (the "Variance Petition").

5. Explain the steps taken since the last hearing to achieve compliance, including how you have met each of your existing variance conditions and/or increments of progress.

Procedural & Factual Background

B. Braun Medical Inc. ("BMI") filed the Variance Petition on November 3, 2023, seeking relief from Rule 1134, which, as of January 1, 2024, lowered the nitrogen oxide ("NOx") emissions limit applicable to two critical cogeneration turbines (the "Cogens" or "Turbines") operated at BMI's facility located at 2525 McGaw Avenue in Irvine, California (the "Irvine Facility"). BMI sought the Variance in order to allow additional time to complete installation of two Bloom Energy ("Bloom") solid oxide fuel cell systems (the "Fuel Cells") at the Irvine Facility, and decommissioning of the Cogens. The Fuel Cells will replace the Cogens and provide the Facility with a critical, dependable source of power for its medical manufacturing operations.

Once the Fuel Cells are operational, the Irvine Facility will be compliant with Rule 1134. For additional information on the Fuel Cells project and the Irvine Facility's efforts to comply with Rule 1134, see