

## Findings

- 1) The Hearing Board convened a hearing on August 17, 2024 and reconvened on August 20, 2024 and August 27, 2024 pursuant to notice in accordance with the provisions of California Health and Safety Code §§ 40823 and 42451(a) and South Coast AQMD Rule 812 to consider modifications to the Modified Stipulated Order for Abatement.
- 2) The public was given the opportunity to testify and evidence was received.
- 3) On August 27, 2024, Petitioner and Respondent jointly requested:
  - a. That the Hearing Board continue the hearing convened on August 17, 2024 until no sooner than November 5, 2024; and
  - b. That the Hearing Board enter an Interim Stipulated Order for Abatement on certain stipulated conditions, identified below.
- 4) The Hearing Board finds that the joint request for continuance is reasonable and for good cause:
  - a. The imposition of the Interim Stipulated Order for Abatement would result in the mitigation of conditions potentially impacting the public;
  - b. Without imposition of the Interim Stipulated Order for Abatement, the stipulated conditions would not go into effect until a much later date due to pending document productions and witness availability.
- 5) The Hearing Board also finds that:
  - a. Respondent was not given the opportunity to present the entirety of its case or introduce all testimony or other evidence during the hearing convened on August 17, 2024, and reconvened on August 20, 2024 and August 27, 2024.
  - b. The entry of this Interim Stipulated Order for Abatement shall not result in Respondent waiving, forfeiting or otherwise relinquishing its right to object to or seek to strike any testimony or other evidence presented at the hearing convened on August 17, 2024, and reconvened on August 20, 2024 and August 27, 2024.
  - c. For any continued hearing under this Order, the Hearing Board will provide the opportunity to Respondent to call and examine witnesses, including witnesses previously called on August 17, 20, or 27, 2024; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness; and to rebut the evidence against it.

- 6) Because Respondent has not yet presented its case, the Hearing Board is unable to order non-stipulated conditions because it cannot make the findings required by South Coast AQMD Rule 806(a).

#### Conclusions

- 1) The Interim Stipulated Order for Abatement set forth hereinafter is likely to mitigate conditions that could contribute to potential odors and potential nuisance.
- 2) The Interim Stipulated Order for Abatement is not intended to be nor does it act as a variance.
- 3) The Hearing Board need not make the findings required by South Coast AQMD Rule 806(a) because the Interim Stipulated Order for Abatement is made pursuant to the stipulation of Petitioner and Respondent.