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4 **BEFORE THE HEARING BOARD OF THE**  
5 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

6 In the Matter of  
7 MEDLINE INDUSTRIES, LP  
8 Order Granting Regular Variance  
9 [Facility I.D. No. 180785]  
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11 Section 42350 of the California Health and Safety  
12 Code

Case No. 6265-1

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14 **FINDINGS AND DECISION OF THE HEARING BOARD**

15 This petition for a regular variance was heard on the consent calendar on November 7,  
16 2024, pursuant to notice and in accordance with the provisions of California Health and Safety  
17 Code Section 40823 and District Rule 510. The matter was placed on the Consent Calendar  
18 pursuant to the Joint Stipulation to Place Matter on Consent Calendar. The following members of  
19 the Hearing Board were present: Micah Ali, Chair; Jerry Abraham, MD MPH CMQ; Mohan  
20 Balagopalan; Adrienne Konigar-Macklin, Esq., Alternate; and Cynthia Verdugo-Peralta.  
21 Petitioner Medline Industries, LP (hereinafter "Petitioner"), represented by Rebecca Brown,  
22 Environmental Health and Safety Manager, did not appear. Respondent, Executive Officer,  
23 represented by Erika Chavez, Senior Deputy District Counsel, did not appear. The public was  
24 given the opportunity to testify. The evidence received at the related Interim variance hearing on  
25 September 5, 2024, in Case No. 6265-1 was incorporated herein. The Declaration of Rebecca  
26 Brown and the Proposed Findings and Decision of the Hearing Board were received as evidence,  
27 and the case submitted. The Hearing Board finds and decides as follows:  
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1 Petitioner is in violation of South Coast AQMD Rules 203 and 3002, which require  
2 compliance with permit conditions, as Petitioner's ICEs have exceeded their 200-hour permitted  
3 limit.

4 **b(1). Non-compliance with District Rule(s) is due to conditions beyond the**  
5 **reasonable control of the petitioner.**

6 On August 25, 2024, a third-party contractor was installing solar panels for Petitioner's  
7 building and damaged one of the main electrical switchboards, making it inoperable. This caused  
8 loss of power to the building. Petitioner had to quickly respond and activate 3 of its 6 emergency  
9 generators to continue safe business operations. Petitioner's building needs to run on emergency  
10 generators to power the facility until the main electrical switchboard is repaired and power is  
11 restored.

12 Petitioner has taken action to significantly reduce the lead time to replace the electrical  
13 switchboard from 30 plus weeks (original quote) to approximately 10 weeks. Petitioner requests time  
14 for delivery, installation, replacement and testing to restore power and achieve compliance.

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16 **b(2). Requiring compliance would result in either (1) an arbitrary or unreasonable**  
17 **taking of property, or (2) the practical closing and elimination of a lawful business.**

18 Denial of the variance would cause economic harm to Petitioner. The facility would not be  
19 able to safely operate and would need to close or partially close. This would not only impact  
20 Petitioner and its employees, but also its customers and the community who rely on access to  
21 medical supplies for thousands of procedures, visits and care that occur in the region. Medline is a  
22 medical supplies and equipment distributor that provides service to many hospitals, care centers,  
23 assisted living homes, etc. in the area, that rely on its products to arrive daily, and in many cases,  
24 several times a day, to provide care for their patients. Petitioner is essentially the 'storage room'  
25 for its customers, not being able to ship orders would have an immediate and devastating impact to  
26 the region.



1 A. Petitioner is granted a regular variance from District Rules 203(b) and 3002(c)(1)  
2 for the period commencing November 7, 2024 and continuing through March 31,  
3 2025.

4 B. The variance granted herein is subject to the following conditions:

5 1. Petitioner shall limit the operation of the Internal Combustion Engines (“ICE”), as  
6 described in Permits to Operate (“POs”) #G37610, G37611, G37612, G37613,  
7 G37614, G37615, to three of the six ICEs at any time, unless an emergency  
8 warrants operating more than three. In any event, each ICE shall operate no more  
9 than 1.0 hour per month total for maintenance and testing time.

10 2. Petitioner shall continue to maintain a monthly operating log for the emergency ICE  
11 and shall send the records to the South Coast AQMD by email to AQ Inspector  
12 Adebola John (ajohn@aqmd.gov) on the first Tuesday of each month beginning  
13 September 10, 2024. The operating log shall list all engine operations in the  
14 following areas:

15 a. Date and hours of emergency operation, and specify the cause of the  
16 emergency;

17 b. Date and hours of maintenance and testing operations; and

18 c. Date and hours of any other non-emergency operation.

19 3. Petitioner shall pay all applicable fees to the Clerk of the Board or the variance shall  
20 be invalidated pursuant to Rule 303(k), except for excess emissions fees, which  
21 shall be paid within fifteen (15) days of notification in writing that the fees are due,  
22 unless otherwise ordered by the Hearing Board. Petitioner shall calculate, record,  
23 and report all excess emissions during the variance period, and pay appropriate  
24 excess emission fees to the Clerk of the Board.

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4. Except as otherwise permitted in variance condition #1, Petitioner shall cease operation of the ICEs (POs # G37610, G37611, G37612, G37613, G37614, G37615).

BOARD MEMBER: \_\_\_\_\_

DATED: \_\_\_\_\_