

ORIGINAL

SOUTH COAST AQMD
CLERK OF THE BOARDS

2024 JUL 16 PM 2:09
302103 -
Olympic CA 1

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

IV 8/6/24
RV 8/27/24

PETITIONER: SpectraSite Communications, LLC

CASE NO: 6261-1

FACILITY ID: 194439

FACILITY ADDRESS: 2915 E 12TH Street
[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: Los Angeles, CA 90023

1. TYPE OF VARIANCE REQUESTED (more than one box may be checked; see Attachment A, Item 1, before selecting)

INTERIM SHORT REGULAR EMERGENCY EX PARTE EMERGENCY

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).

Shawn Lanier - Vice President, Legal

Jennifer Mulkern, Sr. HazMat Specialist

SpectraSite Communications, LLC

SpectraSite Communications, LLC

10 Presidential Way, Attn: HazMat Compliance

10 Presidential Way, Attn: HazMat Compliance

Woburn, MA Zip 01801

Woburn, MA Zip 01801

(781) 926-4683 Ext.

(781) 926-4683 Ext.

Fax ()

Fax ()

E-mail hazmat.compliance@americantower.com

E-mail hazmat.compliance@americantower.com

3. RECLAIM Permit Yes No

Title V Permit Yes No

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]

4. **GOOD CAUSE:** Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances; see Attachment A, Item 4)

On January 11, 2024, a trespasser entered the telecommunications facility and vandalized the site fencing and automatic transfer switch. This caused the generator to run continuously until the generator was turned off. The vandalism caused the need for extended generator power, wiring repair for the automatic transfer switch, and the need for mechanical parts for generator so it can be restored. These repairs were approved by Los Angeles Department of Water and Power on 04/22/24.

This resulted in:

- 727 hours of emergency runtime between 01/03/2024 - 02/07/2024
- 333 hours of malfunction runtime between 02/08/2024 - 02/22/2024
- 688 hours of emergency runtime between 02/23/2024 - 3/22/2024

I became aware of the runtime hours exceeding the permitted limit and submitted a self-reporting form to South Coast AQMD on 03/18/2024. The generator was shutdown on 03/22/2024 to await further instructions regarding variance approval.

We would like to request an additional 200 hours of allowed operation time, in addition to the 1754 hours this calendar year.

5. Briefly describe the type of business and processes at your facility.

Unmanned telecommunications facility where we provide back-up power (Generac SD080 emergency standby generator) to our facility and tenants for personal, commercial, and emergency uses.

6. List the equipment and/or activity(s) that are the subject of this petition (see Attachment A, Item 6, Example #1). **Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For RECLAIM or Title V facilities, attach *only* the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this petition. You must bring the entire Facility Permit to the hearing.**

Equipment/Activity	Application/Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Internal Combustion Engine, Iveco S.P.A., 4 Cylinder, turbocharged, aftercooled, Model F4GE9485A*J, 131 BHP, Diesel-fueled, driving an emergency electrical generator	G66246		

*Attach copy of denial letter

7. Briefly describe the activity or equipment, and why it is necessary to the operation of your business. A schematic or diagram may be attached, in addition to the descriptive text.

Internal combustion engine for a backup generator to supply power to a telecommunications facility in the event of power loss.

8. Is there a regular maintenance and/or inspection schedule for this equipment? Yes No
 If yes, how often: Annually Date of last maintenance and/or inspection 03/11/2024
 Describe the maintenance and/or inspection that was performed.

The regular performed maintenance by our vendor Generac includes oil changes, coolant system flushes, air filters, fuel filters, and battery changes.

9. List all District rules, and/or permit conditions [indicating the specific section(s) and subsection(s)] from which you are seeking variance relief (if requesting variance from Rule 401 or permit condition, see Attachment A). Briefly explain how you are or will be in violation of each rule or condition (see Attachment A, Item 9, Example #2).

Rule	Explanation
203(b) [Condition No. 4 of Facility P/O No. G66246	Generator operated for an extended period due to vandalism.

10. Are the equipment or activities subject to this request currently under variance coverage? Yes No

Case No.	Date of Action	Final Compliance Date	Explanation

11. Are any other equipment or activities at this location currently (or within the last six months) under variance coverage? Yes No

Case No.	Date of Action	Final Compliance Date	Explanation

12. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning this equipment or activity within the past year? Yes No

If yes, you must attach a copy of each notice.

13. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six months? Yes No

If yes, you should be prepared to present details at the hearing.

14. Explain why it is beyond your reasonable control to comply with the rule(s) and/or permit condition(s). Provide specific event(s) and date(s) of occurrence(s), if applicable.

On January 11, 2024, a trespasser entered the telecommunications facility and vandalized the site fencing and automatic transfer switch. This caused the generator to run continuously until the generator was turned off. The vandalism caused the need for extended generator power, wiring repair for the automatic transfer switch, and the need for mechanical parts for generator so it can be restored. These repairs were approved by Los Angeles Department of Water and Power on 04/22/24.

15. When and how did you first become aware that you would not be in compliance with the rule(s) and/or permit condition(s)? Provide specific event(s) and date(s) of occurrence(s).

I became aware of the runtime hours exceeding the permitted limit after running an internal generator runtime report on 03/18/2024 and subsequently submitted a self-reporting form to South Coast AQMD. The generator was shutdown on 03/22/2024 to await further instructions regarding variance approval.

16. List date(s) and action(s) you have taken since that time to achieve compliance.

Generator is shut down and will not run until a variance is granted.

On 03/22/24, our Network Operations Center canceled weekly testing and maintenance. The OSL went to the site to remove the start-up key and place it in a lock box. The generator is also in an inoperable state due to the vandalism.

17. What would be the harm to your business during **and/or after** the period of the variance if the variance were not granted?

Economic losses: \$ N/A

Number of employees laid off (if any): 0

Provide detailed information regarding economic losses, if any, (anticipated business closure, breach of contracts, hardship on customers, layoffs, and/or similar impacts).

The impact will be a hardship on our customers. We have powered off our generator until the next calendar year due to the 200 hour runtime exceedance. Our customers would be off air in the event of power loss and would need to bring in their own portable generators which is burdensome due to air jurisdiction and generator maintenance requirements. Additionally, the anticipated hardship is that we would not be able to provide contractually obligated back-up power to our tenant's telecommunications equipment, which could substantially harm our business relationship with our customer T-Mobile.

18. Can you curtail or terminate operations in lieu of, or in addition to, obtaining a variance? Please explain.

We want to immediately resume usage of our backup power generator because the shutdown interferes with the ability of American Tower's customers to transmit 911/emergency response communications.

19. Estimate excess emissions, if any, on a daily basis, including, if applicable, excess opacity (the percentage of total opacity above 20% during the variance period). If the variance will result in no excess emissions, insert "N/A" here and skip to No. 20.

Pollutant	(A)	(B)	(C)*
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)
CO	4.16		4.16
NMHC + NOx	19.55		19.55
PM	0.83		0.83

* Column A minus Column B = Column C

Excess Opacity: _____ %

20. Show calculations used to estimate quantities in No. 19, or explain why there will be no excess emissions.

This information is based on engine manufacturer's data for a 2021 Generac SD080 generator:

$(0.6 \text{ g CO}) / (\text{bhp} \cdot \text{hr}) \times (24 \text{ hr}) / \text{day} \times \text{lb} / (453.592 \text{ g}) \times (131 \text{ bhp}) = (4.15880 \text{ lb CO}) / \text{day}$

$(2.82 \text{ g NMHC} + \text{NOx}) / (\text{bhp} \cdot \text{hr}) \times (24 \text{ hr}) / \text{day} \times \text{lb} / (453.592 \text{ g}) \times (131 \text{ bhp}) = (19.54638 \text{ lb NMHC} + \text{NOx}) / \text{day}$

$(0.12 \text{ g PM}) / (\text{bhp} \cdot \text{hr}) \times (24 \text{ hr}) / \text{day} \times \text{lb} / (453.592 \text{ g}) \times (131 \text{ bhp}) = (0.83176 \text{ lb PM}) / \text{day}$

21. Explain how you plan to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible.

Reductions are not feasible because of any unplanned or planned outages that may occur between now and December 31.

22. How do you plan to monitor or quantify emission levels from the equipment or activity(s) during the variance period, and to make such records available to the District? **Any proposed monitoring does not relieve RECLAIM facilities from applicable missing data requirements.**

Our generator engine is remotely monitored by our Network Operations Center 24 hours a day, recording runtime based on testing, maintenance, malfunction, and emergency usage. Therefore, American Tower may monitor emissions levels based on the manufacturer's emission data sheet and the operational runtime data recorded by the Network Operations Center.

23. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed, modifications or process changes to be made, permit conditions to be amended, etc., dates by which the actions will be completed, and an estimate of total costs.

All non-emergency usage will be limited to required testing and maintenance in order to minimize excess emissions as much as feasible for the remainder of 2024. All emergency usage will be limited to power loss and rotating outage for the remainder of 2024.

24. State the date you are requesting the variance to begin: _____; and the date by which you expect to achieve final compliance: _____.

If the regular variance is to extend beyond one year, you **must** include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress (see Attachment A, Item 24, Example #3).

List Increments of Progress here:

N/A

25. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

Ext. _____

Ext. _____

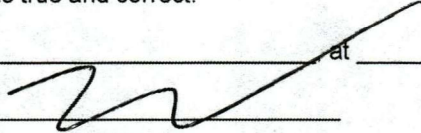
If the petition was completed by someone other than the petitioner, please provide their name and title below.

Name Company Title

The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on _____ at _____, California

Signature



Print Name

Shawn Lanier
Vice President - Legal

Title:

Shawn Lanier
Vice President - Legal

26. SMALL BUSINESS and TABLE III SCHEDULE A FEES: To be eligible for reduced fees for small businesses, individuals, or entities meeting small business gross receipts criterion [see District Rule 303(h)], you must complete the following:

Declaration Re Reduced Fee Eligibility

1. The petitioner is
a) an individual, or
b) an officer, partner or owner of the petitioner herein, or a duly authorized agent of the petitioner authorized to make the representations set forth herein.

If you selected 1a, above, skip item 2.

2. The petitioner is
a) a business that meets the following definition of Small Business as set forth in District Rule 102:
SMALL BUSINESS means a business which is independently owned and operated and meets the following criteria, or if affiliated with another concern, the combined activities of both concerns shall meet these criteria:
(a) the number of employees is 10 or less; **AND**
(b) the total gross annual receipts are \$500,000 or less or
(iii) the facility is a not-for-profit training center.

-OR-

- b) an entity with total gross annual receipts of \$500,000 or less.
3. Therefore, I believe the petitioner qualifies for reduced fees for purpose of filing fees and excess emission fee calculations, in accordance with Rule 303(h).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, at _____, California

Signature

Print Name

Title

ATTACHMENT A

ITEM 1

Type of Variance Requested:

- (a) **SHORT:** If compliance with District rule(s) can be achieved in **90 days or less**, request a short variance. *(Hearing will be held approximately 21 days from date of filing--10-day posted notice required.)*
- (b) **REGULAR:** If compliance with District rule(s) will take **more than 90 days**, request a regular variance. If the variance request will extend beyond one year, you **must** include a specific detailed schedule of increments of progress [see Page 8, No. 24] under which you will achieve final compliance. *(Hearing will be held approximately 45 days from date of filing--30-day published notice required.)*
- (c) **EMERGENCY:** If non-compliance is the result of an unforeseen emergency, such as a sudden equipment breakdown, power failure, or accidental fire, you may request an emergency variance. You may request an *ex parte* emergency variance in addition to an emergency variance. **An emergency variance cannot be granted for more than 30 days.** *(Hearing will be held within 2 working days from the date of filing, whenever possible, excluding Mondays, weekends, and holidays.) If you request an emergency variance, you must answer No. 4 on page 1.*
- (d) **EX PARTE EMERGENCY:** If variance coverage is required on a weekend or when the Board is not in session, and you cannot wait until an emergency variance hearing can be held, you may request an *ex parte* emergency variance. An *ex parte* emergency variance will be granted or denied solely on the information contained in the petition and the District's response to the petition. Under most circumstances, an *ex parte* emergency variance will remain in effect only until a hearing can be held. **If you request an *ex parte* variance, you must answer No. 4 on page 1.**
- (e) **INTERIM:** If you require immediate relief (other than for emergencies) to cover the time until a short or regular variance hearing can be held, request an interim variance. If you request an interim variance, you must also request a short or a regular variance on the same petition. *(Hearing will be held approximately 2 working days from date of filing, whenever possible, excluding Mondays, weekends and holidays.) If you request an interim variance, you must answer No. 4 on page 1.*

ITEM 4

GOOD CAUSE: The Hearing Board is required to provide public notice of variance hearings, as the public has a right to attend and testify at such hearings. In order for the Hearing Board to hold an Interim, *Ex Parte* Emergency or Emergency Variance hearing without the required public notice, a petitioner must present facts which will support a determination by the Board that "good cause" exists to hear a variance without notifying the public about the variance and providing the public with an opportunity to present evidence concerning the variance.

ITEM 6

Example #1:

Equipment/Activity	Application/ Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Tenter frame		D32	
Chrome-plating tank	M99999		
Bake oven	123456		
Create special effects (fog)	N/A	N/A	N/A
Mfg., sale, distribution, use of non-compliant coating	N/A	N/A	12/10/95

ITEM 9

a) If you are requesting relief from Rule 401 and the excess opacity during the variance period will reach or exceed 40%, you should also request relief from California Health and Safety Code Section 41701.

b) If you are requesting relief from a permit condition(s), you should also request relief from the rule requiring compliance with conditions of the permit: 202(a), (b) or (c) - Temporary Permit to Operate; 203(b) - Permit to Operate; 2004(f)(1) – RECLAIM Permit; 3002(c) – Title V Permit.

Example #2:

Rule	Explanation
404(a)	tenter frame is vented to damaged air pollution control equipment
2004 (f)(1) [Condition No. 28-2 of Facility P/O No. 0999999]	source test cannot be conducted as required until new ESP is installed
1113(c)(2)	petitioner manufactures and sells clear wood finishes with VOCs in excess of 350 grams per liter
401(a) & California H&S Code Section 41701	Opacity will exceed 45%.

ITEM 24

Example #3:

Sample Schedule of Increments of Progress

- Permit application(s) will be submitted to the District by [date].
- Contracts for the purchase of emission control systems will be awarded by [date].
- On-site construction will be completed by [date].

English	"If you require a language interpreter in order to participate in the hearing, contact the Clerk of the Board at least five (5) calendar days before your hearing at 909-396-2500 or by e-mail at clerkofboard@aqmd.gov. Specify the case name and number, hearing date, and the language for which you are requesting an interpreter."
Farsi	"اگر برای شرکت در جلسه استماع به مترجم نیاز دارید، حد اقل پنج (5) روز تقویمی قبل از جلسه استماع، با متشی هینت توسط شماره تلفن 909-396-2500 یا بوسیله نامه الکترونیکی با نشانی clerkofboard@aqmd.gov تماس بگیرید. نام پرونده و شماره آن، تاریخ جلسه استماع و زبانی را که برای آن مترجم درخواست کرده اید، مشخص کنید"
Arabic	"إذا كنت في حاجة لمترجم من أجل المشاركة في جلسة الاستماع، اتصل بكتّاب المحكمة قبل موعد جلسة الاستماع بخمسة (5) أيام على هاتف 2500-396-909. حدد اسم ورقم القضية وتاريخ الاستماع واللغة التي تريد في clerkofboard@aqmd.gov 909-396-909 أو بالبريد الإلكتروني على مترجم لها."
Armenian	"Կեանքդուդարձ անհանդիմա համար, եթե բարձրանի կարիք ունենաք, նախքան ձեր ունկնդրությունը, ամենաքիչը հինգ (5) օրացույցային օրից առաջ կապվեք համահավանքի բարոտղարի հետ, 909-396-2500 հեռախոսահամարով կամ էլեկտրոնային փոստով clerkofboard@aqmd.gov ։ Նշեք գործի անունը և համարը, ունկնդրության թվականը, և լեզուն, որի համար բարձրանիչ եք ջանկանում"
Vietnamese	"Nếu quý vị cần Thông Dịch Viên cho buổi điều trần, xin vui lòng điện-thoại cho Thư Ký Hội Đồng tại số 909-396-2500 trễ nhất là năm [5] ngày, không tính hai ngày Thứ Bảy và Chủ Nhật, trước buổi điều trần hoặc gửi điện thư đến clerkofboard@aqmd.gov . Nhớ ghi rõ tên và số hồ sơ, ngày điều trần, và ngôn ngữ quý vị cần có người để thông dịch."
Chinese	如果你要求翻譯來協助你參加聽證會，請在你的聽證會前至少提前五天（5個日曆日）打電話到909-396-2500或發電子郵件到 clerkofboard@aqmd.gov 與局裏的辦事人員聯絡。並且明確說明你的案子的名稱和號碼，聽證日期，以及你要求的翻譯的語種。
Japanese	公聴会（ヒアリング）に参加するために通訳が必要な場合、少なくとも5日前までに事務局（Clerk of the Board）にご連絡ください。電話でのご連絡は909-396-2500、e-メールでのご連絡は clerkofboard@aqmd.gov までお願いします。その際、案件名（case name）と案件番号（case number）、ヒアリングの日付、通訳が必要な言語を特定して下さい。
Korean	"만약 귀하나 귀하의 증인들이 심리에 참여하기 위해 통역사가 필요하시면, 심리일 5일 전까지 기관부서의 서기에게 909-396-2500으로 연락하시거나, clerkofboard@aqmd.gov 로 연락 하십시오. 통역이 필요하신 사건의 이름, 심리날짜, 그리고 언어를 정확하게 말씀해 주십시오."
Spanish	Si usted requiere un intérprete para poder participar en la audiencia, favor de comunicarse con el Secretario de la Junta cuando menos cinco (5) días hábiles antes de su audiencia al teléfono (909) 396-2500 ó por correo electrónico al clerkofboard@aqmd.gov . Especifique el nombre y el número de su causa, la fecha de la audiencia y el idioma del cual está solicitando el intérprete.
Tagalog	"Kung kailangan ninyo nang interpreter sa Pilipino para makasali kayo sa pagdinig sa kaso, tumawag lang po kayo sa Clerk of the Board sa numero 909-396-2500 or kung hindi mag-email kayo sa email clerkofboard@aqmd.gov . Kailangan na tumawag kayo sa loob nang limang araw (5 days) bago ang inyong hearing date at ibigay and inyong pangalan at case number, araw nang inyong pagdinig sa kaso at inyong gusto na may lenguahe na interpreter"
Thai	หากคุณต้องการล่ามในการขึ้นศาล ให้ติดต่อเจ้าหน้าที่ล่วงหน้าอย่างน้อย 5 วันก่อนวันขึ้นศาล โดยติดต่อที่เบอร์โทร 909-396-2500 หรือโดย e-mail ที่ clerkofboard@aqmd.gov ให้ออกชื่อและหมายเลขของคดี พร้อมทั้งวันเวลาในการขึ้นศาล และระบุภาษาที่คุณต้องการล่าม



South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
PERMIT TO OPERATE

Page 1
Permit No.
G66246
A/N 628914

This initial permit must be renewed ANNUALLY unless the equipment is moved, or changes ownership.
If the billing for the annual renewal fee (Rule 301(d)) is not received by the expiration date, contact the District.

**Legal Owner
or Operator:**

SPECTRASITE COMMUNICATIONS, LLC
10 PRESIDENTIAL WAY, HAZMAT COMPLIANCE
WOBURN, MA 01801

ID 194439

Equipment Location: 2915 E 12TH ST, LOS ANGELES, CA 90023

Equipment Description :

Internal Combustion Engine, Iveco S.P.A., 4 Cylinder, Turbocharged, Aftercooled, Model F4GE9485A*J, 131 BHP, Diesel-Fueled, Driving an Emergency Electrical Generator.

Conditions :

1. Operation of this equipment shall be conducted in accordance with all data and specifications submitted with the application under which this permit is issued unless otherwise noted below.
2. This equipment shall be properly maintained and kept in good operating condition at all times.
3. An operational non-resettable totalizing timer shall be installed and maintained to indicate the engine elapsed operating time.
4. This engine shall not be operated more than 200 hours in any one year, which includes no more than 50 hours in any one year and no more than 4.2 hours in any one month for maintenance and testing purposes.
5. Operating beyond the 50 hours per year allotted for maintenance and testing purposes shall be allowed only in the event of a loss of grid power or up to 30 minutes prior to a rotating outage, provided that the utility distribution company has ordered rotating outages in the control area where the engine is located or has indicated that it expects to issue such an order at a certain time, and the engine is located in a utility service block that is subject to the rotating outage. Engine operation shall be terminated immediately after the utility distribution company advises that a rotating outage is no longer imminent or in effect.
6. This engine shall not be used as part of a demand response program using interruptible service contract in which a facility receives a payment or reduced rates in return for reducing its electric load on the grid when requested to so by the utility or the grid operator.
7. The operator shall keep a log of engine operations documenting the total time the engine is operated each month and specific reason for operation as:
 - A. Emergency use.
 - B. Maintenance and testing.
 - C. Other (describe the reason for operating).

ORIGINAL



PERMIT TO OPERATE

In addition, each time the engine is manually started, the log shall include the date of operation, the specific reason for operation, and the totalizing hour meter reading (in hours and tenths of hours) at the beginning and end of operation

8. On or before January 15th of each year, the operator shall record in the engine operating log the following:

- A. The total hours of operation for the previous calendar year, and
- B. The total hours of engine operation for maintenance and testing for the previous calendar year.

Engine operating log shall be retained on site for a minimum of three calendar years and shall be made available to the South Coast AQMD representative upon request.

9. This engine shall comply with all applicable requirements of Rules 431.2 and 1470.

10. This engine shall comply with the following emission limits:

NMHC + NOx: 3.0 g/bhp-hr
CO: 3.7 g/bhp-hr
PM: 0.15 g/bhp-hr

11. Sulfur content of diesel fuel supplied to the engine shall not exceed 15 ppm by weight.

ORIGINAL



South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178

Page 3
Permit No.
G66246
A/N 628914

PERMIT TO OPERATE

NOTICE

In accordance with Rule 206, this Permit to Operate or copy shall be posted on or within 8 meters of the equipment.

This permit does not authorize the emission of air contaminants in excess of those allowed by Division 26 of the Health and Safety Code of the State of California or the applicable Rules and Regulations of the South Coast Air Quality Management District (SCAQMD). This permit cannot be considered as permission to violate existing laws, ordinances, regulations or statutes of other government agencies.

Executive Officer

A handwritten signature in black ink, appearing to read "Aspell", is positioned above the typed name.

BY JASON ASPELL/SB07

8/28/2021

ORIGINAL