

ORIGINAL

SOUTH COAST AQMD
CLERK OF THE BOARDS
2024 SEP 17 AM 9:03

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

IV-10/16/24
RV-12/11/24

PETITIONER: VERIZON WIRELESS CASE NO: 6139-9
FACILITY ID: 123867

FACILITY ADDRESS: Cleveland National Forest
[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: Rancho Santa Margarita, CA 92688

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).

<u>Chris Sinner</u>	<u>Zach Feingold</u>
<u>Verizon Wireless</u>	<u>Verizon Wireless</u>
<u>5351 E. Airport Dr</u>	<u>18850 Orange Street</u>
<u>Ontario, CA</u> <u>Zip 91761</u>	<u>Bloomington, CA</u> <u>Zip 92316</u>
<u>☎ (714) 402-6447</u> <u>Ext.</u>	<u>☎ (909) 879-2712</u> <u>Ext.</u>
<u>Fax ()</u>	<u>Fax ()</u>
<u>E-mail chris.sinner@verizonwireless.com</u>	<u>E-mail zachary.d.feingold@verizon.com</u>

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)

The Airport Fire started on 9/9/2024 and has burned 23,519 acres as of 9/16/2024. Governor Newsom declared a State of Emergency for this fire on 9/9/2024. The Airport fire has caused a loss of commercial power to Verizon Wireless' cell tower "Santiago Pek". The facility's emergency power generator began operating nonstop since that outage in order to keep the facility functional. The generator, with permit number G72829, has a 200 hour annual operating limit.

Utility company Southern California Edison (SCE) has not provided an estimated date of power restoration (ETR) due to the ongoing fire and whether the 200 hour total annual operating permit limit may be threatened.

Since 01/01/2024 until 9/16/2024, the generator has already operated for 187.2 hours. Due to the quick accumulation of operating hours during ongoing outages and ongoing fire, an ex parte emergency variance petition is being filed now due to the potential to pass 200 hours of operation in only a few days, before Interim and Regular variances can be requested.

Due to public dependence on wireless telecommunications during routine and emergency events, the emergency generator cannot be deactivated.

Even if the applicable generator not pass 200 hours of operation during this single event, the accumulated hours of operation deserve attention. The potential for additional weather-related power outages and PSPS activations still exists.

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

The Verizon Wireless "Santiago Peak" cell tower provides cellular telephone services throughout Orange and Riverside County areas, including 911 and other emergency services.

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)*
Ford 126 hp internal combustion engine, Model LSG-8751-6005-A, propane-fueled	G72829		

*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.

Emergency generators are critical to support the continual operation of Verizon Wireless's cell towers during times of emergency.

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 _____

Describe the maintenance and/or inspection that was performed.

The generators are typically tested two to four times a year to verify that they will be operational in the event of an emergency.

Once per year, a third party maintenance vendor will perform a comprehensive analyses of the generators, inspecting the parts, performing diagnostic tests, and making repairs as necessary.

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
PTO Condition 7	"This engine shall not operate more than 200 hours in any one year, which includes no more than 50 hours in any one year for maintenance and testing purposes and no more than 4.2 hours in any one month for testing and maintenance purposes."

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.

Utility-related power outages are outside of Verizon's control.

A power outage on 9/9/2023, resulting from the Airport Fire and burned power lines, has caused Verizon Wireless's on-site emergency generator to operate. As of 9/16/2024, power has not yet been restored and Verizon Wireless's emergency generator at this facility must continue to operate.

As the generator already reaches 187.2 hours of emergency operation, power restoration is unlikely before the generator arrives at 200 hours.

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).

Confidence in maintained compliance through calendar year 2024 began dwindling when due to lack of likely power restoration by SCE prior to the generator reaching 200 hours for 2024. As of 9/16/2024, the commercial power still has not been restored.

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

N/A

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: \$ Unknown, but significant and incalculable

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).

Economic losses are difficult to calculate, though the interruption of telecommunications service throughout the would impose historic costs on Verizon Wireless's customers. The public's need for cellular communications during emergency services is critical

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

No. Disabling the generator if it reaches 200 hours of operation would also disable the cell tower during utility outages – thus terminating services necessary for customer communications, contacting 911, and other emergency response agencies.

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)
NOx	5.95	N/A	5.95
CO	7.93	N/A	7.93
VOC	5.95	N/A	5.95

* Column A minus Column B = Column C

Excess Opacity: N/A %

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

Emission are calculated as worst-case scenario according to the upper limits established in the permit:

- VOC – 1.5 g/hp-hr
- NOX – 1.5 g/hp-hr
- CO – 2.0 g/hp-hr

However, these generators will not routinely operate daily. Operations will only be during utility outages and the generator's scheduled, brief test operations

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.

Verizon Wireless ensures that its generators are properly operated and maintained consistent with the manufacturer's specifications

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.

Emergency generator operations will continue to be recorded, with emissions calculated based upon hours of operation and the appropriate emission factors.

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.

Should noncompliance occur, a return to compliance would be achieved on 01/01/2025 when the permissible emergency generator operating hours returns to zero.

24. State the date you are requesting the variance to begin: 9/16/2024; and the date by which you expect to achieve final compliance: January 1, 2025, if necessary.

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.

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

Name	Company	Title
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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 9/16/2024, at Bloomington, California

Zach Feingold
Signature

Zach Feingold
Print Name

Title: Regional Environmental Manager



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

Page 1
 Permit No.
 G72829
 A/N 644899

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:**

VERIZON WIRELESS, SANTIAGO PEAK
 DBA: VERIZON WIRELESS/AIRTOUCH CELLULAR
 15505 SAND CANYON AVE BLDG D, ATTN: MELINDA HSU
 IRVINE, CA 92618

ID 123867

Equipment Location: CLEVELAND NATIONAL FOREST RANCHO SANTA MARGARITA, CA 92688

Equipment Description :

Internal Combustion Engine, Ford, Model No. LSG-8751-6005-A, Serial No. 04975 L-16-RC, Liquefied Petroleum Gas (LPG)- Fueled, Naturally Aspirated, 8 Cylinders, Four Cycle, Rated at 126 BHP, Driving an Emergency Electrical Generator, with Two Catalytic Converters, Non-Selective Type, Johnson Matthey, Model No. CX4-4 and Miratech, Model No. MN07S, and an Air to Fuel Ratio Controller.

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. This engine shall only be fired with Liquefied Petroleum Gas (LPG).
4. This engine shall comply with the following emission limits:

NOx:	1.5 g/bhp-hr
CO:	2.0 g/bhp-hr
VOC:	1.5 g/bhp-hr
5. This engine shall not be operated unless the exhaust is vented to the Non-Selective Catalytic Reduction units which are in full operation and are in good operating conditions at all times.
6. This engine shall not be operated without the use of an Air-to-Fuel Ratio Controller which shall be maintained and kept in good operating conditions at all times.
7. 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.
8. An operational non-resettable totalizing timer shall be installed and maintained to indicate the engine elapsed operating time.



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 Certified Copy



PERMIT TO OPERATE

9. The operation of engine beyond 50 hours per year allotted for engine maintenance and testing shall be allowed only during emergencies resulting in an interruption of service of the primary power supply or during Stage II or III electrical emergencies declared by the electrical grid operator. This engine may be used as part of an interruptible electric service program.
10. 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).

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.

11. 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 five calendar years and shall be made available to any South Coast AQMD representative upon request.





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

PERMIT TO OPERATE

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Permit No.
G72829
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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

BY JASON ASPELL/KM08

6/28/2023



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EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on September 8, 2024, the Bridge Fire began burning in Los Angeles County and has since burned into San Bernardino County and burned over 47,000 acres; and

WHEREAS on September 9, 2024, the Airport Fire began burning in Orange County and has since burned into Riverside County and burned over 22,000 acres; and

WHEREAS these fires have prompted evacuation orders and road closures, and continue to threaten structures, homes, and critical infrastructure; and

WHEREAS in response to requests from the Governor's Office of Emergency Services, on September 10, 2024, the Federal Emergency Management Agency approved Fire Management Assistance Grants to assist with the mitigation, management, and control of the Airport and Bridge Fires; and

WHEREAS these fires and other active fires throughout California, including the Line Fire in San Bernardino County, for which I proclaimed a state of emergency on September 7, 2024, have been fueled by continued high temperatures throughout the day and night, dry conditions, and strong winds, and have caused imminent threat to life and necessitated the full deployment of local and state resources, including nearly 6,000 boots on the ground, hundreds of engines and water tankers, and the world's largest aerial firefighting force; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to the Bridge Fire in Los Angeles and San Bernardino Counties and the Airport Fire in Orange and Riverside Counties; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by these fires, by reason of their magnitude, are beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authorities are inadequate to cope with the magnitude of the damage caused by these fires; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of these fires.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Los Angeles and San Bernardino Counties due to the Bridge Fire and in Orange and Riverside Counties due to the Airport Fire.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these fires. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these fires.
4. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.
5. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of these fires and apply for unemployment insurance benefits during the time periods beginning September 8, 2024, and ending on the close of business on March 10, 2025, for the Bridge Fire in Los Angeles and San Bernardino Counties, and beginning September 9, 2024, and ending on the close of business March 10, 2025, for the Airport fire in Orange and Riverside Counties, and who are otherwise eligible for unemployment insurance benefits.
6. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of an identification card, driver's license card, vehicle registration certificate, or certificate of title, or registration stickers, by any individual who loses such records as a result of the Bridge Fire in Los Angeles and San Bernardino Counties and the Airport Fire in Orange and Riverside Counties. Such records shall be replaced without charge.
7. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title, are suspended with regard to any registration or transfer of title by any individual who is unable to comply

with those requirements as a result of the Bridge Fire in Los Angeles and San Bernardino Counties and the Airport Fire in Orange and Riverside Counties. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.

8. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees, are suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who loses such records as a result of the Bridge Fire in Los Angeles and San Bernardino Counties and the Airport Fire in Orange and Riverside Counties. Such copies shall be provided without charge.
9. In order to directly respond to the needs of impacted adult and senior care facilities, child care facilities, children's residential facilities, resource family homes, home care organizations, and other similar care facilities and care providers within the California Department of Social Services' (CDSS) jurisdiction, the Director of CDSS may waive any provisions of the Family Code, Health and Safety Code, or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, certification, registration or approval of care providers, facilities or homes within CDSS jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), Child Care Provider Registration (Health and Safety Code section 1596.60 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), Residential Care Facilities for Persons With Chronic Life-Threatening Illness (Health and Safety Code section 1568.01 et seq.), the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.), Medical Foster Homes for Veterans (Health and Safety Code section 1568.21 et seq.), Continuing Care Contracts (Health and Safety Code section 1770 et seq.), the Home Care Services Consumer Protection Act (Health and Safety Code section 1796.10 et seq.), or the Resource Family Approval Program (Welfare and Institutions Code section 16519.5 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the CDSS website and shall be in effect only so long as necessary to address the direct impacts of the Bridge Fire in Los Angeles and San Bernardino Counties and the Airport Fire in Orange and Riverside Counties.
10. Adequate state staffing during this emergency is necessary for all state agencies and departments with an assigned response and/or recovery role. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. All other restrictions must be adhered to for retired annuitants. The Director of the California Department of Human Resources must be notified of any individual employed in state government pursuant to these suspensions. The suspension of statutes identified in this Paragraph shall also apply to local governments, as applicable, to ensure adequate staffing to appropriately respond to the Bridge Fire in Los Angeles and San Bernardino Counties and the Airport Fire in Orange and Riverside Counties. Local governmental agencies shall notify the California

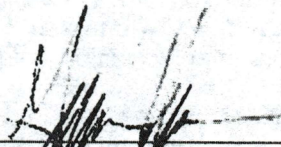
Public Employees' Retirement System of any individual employed by an agency pursuant to this Paragraph.

11. The limitation for the period of employment for State Personnel Board emergency appointments, as provided in Government Code section 19888.1, is suspended for positions required for emergency response and/or recovery operations related to the Bridge Fire in Los Angeles and San Bernardino Counties and the Airport Fire in Orange and Riverside Counties. The requirements and period of employment for such appointments will be determined by the Office of Emergency Services, but shall not extend beyond the termination date of the State of Emergency.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of September 2024.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State