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

In the Matter of

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

vs.

LOS ANGELES CITY SANITATION
BUREAU, HYPERION WATER
RECLAMATION PLANT

[Facility ID No. 800214]

Respondent.

Case No. 1212-40

**PROPOSED FINDINGS AND
DECISION FOR A MODIFICATION OF
A STIPULATED ORDER FOR
ABATEMENT**

South Coast AQMD Rule 402 and Health and
Safety Code section 41700

Hearing Date: ~~January~~ July 31, 2024

Time: 9:30 a.m.

Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

FINDINGS AND DECISION OF THE HEARING BOARD

This Modification of the Stipulated Order for Abatement was heard on July 31,
~~2024 January 24, 2024,~~ pursuant to notice and accordance with the provisions of the California
Health and Safety Code section 40823 and South Coast AQMD Rule 812. Previous hearing dates

were September 6 and 8, 2022, December 15, 2022, January 25, 2023, ~~and~~ June 20, 2023, and January 24, 2024. The following members of the Hearing Board were present: ~~Cynthia Verdugo-Peralta~~ Micah Ali, Chair; Robert Pearman, Esq., Vice Chair; Dr. Jerry P. Abraham, MD, MPH, CMQ; ~~Cynthia Verdugo-Peralta~~ ~~Micah Ali~~; and Mohan Balagopalan. Petitioner, Executive Officer of the South Coast Air Quality Management District (“South Coast AQMD” or “Petitioner”), was represented by Erika Chavez, Senior Deputy District Counsel and Mary Reichert, Senior Deputy District Counsel. Respondent City of Los Angeles, Department of Public Works, Bureau of Sanitation (“Respondent” or “LA Sanitation”) was represented by Adena Hopenstand, Deputy City Attorney, and Virginia Choi, Deputy City Attorney, City of Los Angeles. The parties stipulated to issuance of an order for abatement. The public was given the opportunity to testify. Evidence was received and the matter was submitted. The Hearing Board finds and decides as follows: The Hearing Board finds that GOOD CAUSE exists to issue the Modified Order for Abatement. This finding of good cause is based on the following:

1. Petitioner is a body corporate and politic established and existing pursuant to Health and Safety Code §40000, et seq. and §40400, et seq., and is the sole and exclusive local agency with the responsibility for comprehensive air pollution control in the South Coast Air Basin.

2. Respondent LA Sanitation operates the Hyperion Water Reclamation Plant (“Hyperion”), a wastewater treatment facility subject to the jurisdiction of the South Coast AQMD. Hyperion is located in southwest Los Angeles at 12000 Vista Del Mar, Playa Del Rey, CA 90293. Its Facility ID Number is 800214.

3. **South Coast AQMD Rule 402 and California Health and Safety Code (H&S Code) Section 41700** prohibit the discharge, from any source whatsoever, such quantities of air contaminants or other material which causes injury, detriment, nuisance, or annoyance to any considerable number of persons or the public, or which cause, or have the natural tendency to cause, injury or damage to business or property.

4. South Coast AQMD alleges that Respondent is unable to contain the sewage odors at Hyperion and cannot conduct operations at the wastewater treatment plant without being in violation of District Rule 402.

5. To date in 2022, South Coast AQMD has received more than 1,100 complaints of an odor nuisance from the public, with Hyperion as the alleged source. Complaints include odor descriptions of sewage.

6. South Coast AQMD Inspectors have investigated the complaints, traced many of them back to Hyperion, and confirmed Hyperion as the source of the odors on numerous occasions. Since June 2022, South Coast AQMD has issued 11 Notices of Violation (“NOVs”) against Respondent for violating South Coast AQMD Rule 402 and H&S Code section 41700.

7. In the month of August 2022, South Coast AQMD received more than 350 complaints alleging Hyperion as the source of an odor nuisance. Since September 2, 2022, the date of the last NOV, South Coast AQMD has continued to receive complaints of sewage odors. South Coast AQMD Inspectors continue to investigate and have confirmed Hyperion as the source of the odors on several occasions.

8. Respondent has agreed to stipulate to issuance of this Order for Abatement pursuant to South Coast AQMD Rule 806(b) and California Health & Safety Code § 42451(b).

9. This Stipulated Order for Abatement represents a compromise between the Parties and does not serve as an admission of liability or guilt as to any of the violations alleged herein. South Coast AQMD Rule 806(b) and H&S Code § 42451(b) permit the Hearing Board to issue a stipulated order for abatement upon the terms and conditions set forth in the stipulated Proposed Findings and Decision without making findings regarding: (a) whether Respondent is in violation of H&S Code § 41700, or any South Coast AQMD rule or regulation; (b) whether the order will not constitute a taking of property without due process of law; and (c) whether the order results in closing an otherwise lawful business, such closing would not be without a corresponding benefit in reducing air contaminants. The Hearing Board does not make any of finding whether Respondent is or was in violation of H&S Code§ 41700 or South Coast AQMD Rule 402.

10. Respondent states that it can comply with the stipulated conditions set forth below. The reporting requirements and time limits set forth in the conditions below have been justified.

**2023 STATUS HEARING & MODIFICATION TO
STIPULATED ORDER OF ABATEMENT**

On June 20, 2023, the Hearing Board heard an update on the Proposed Modification to the Stipulated Order of Abatement. The Petitioner's witness, Inspector Michael Haynes provided testimony on the ongoing nuisance violations and the NOV's issued. The respondent's witnesses provided a status update on actions taken to comply with the Order. Neither party proposed any modifications to the Order. However, the Hearing Board added new conditions, #53-58 and extended the Final Compliance date to January 31, 2024, and scheduled a hearing for January 24, 2024, to receive a status report and/or to consider a modification of this Order.

2024 STATUS HEARINGS & MODIFICATIONS TO STIPULATED ORDER OF ABATEMENT

On January 24, 2024, the Hearing Board received a status report and modified the Stipulated Order for Abatement to extend the final compliance date to August 30, 2024, given that there were still deliverables due from Respondent. The Hearing Board scheduled a hearing on July 31, 2024 to receive a status report and/or to consider a modification to this Order.

On July 31, 2024, the Hearing Board received a status report and considered a modification to the Stipulated Order for Abatement. Petitioner's witnesses, District inspectors Michal Haynes and Vander Ferrer-Le, provided testimony on recent NOV's issued. The parties stipulated to an extension of the Order for Abatement.

CONCLUSIONS

1. The parties have stipulated to issuance of this Order for Abatement pursuant to South Coast AQMD Rule 806(b) and California Health & Safety Code § 42451(b).

2. The issuance of this stipulated Order for Abatement following a fully noticed hearing will not constitute a taking of property without due process of law. If the issuance of this stipulated Order for Abatement results in the closing or elimination of an otherwise lawful business, such closing would not be without a corresponding benefit in reducing air contaminants.

3. This stipulated Order for Abatement is not intended to be, nor does it act as a variance, and Respondent remains subject to all rules and regulations of the District, and with all applicable provisions of California law.

ORDER

THEREFORE, based on the foregoing and good cause appearing, the Hearing Board hereby orders Respondent to immediately cease and desist from violating Rule 402, or in the alternative, comply with the following conditions:

1. Respondent shall create and implement, within sixty (60) days of the issuance of this Order, their own complaint response program. The program shall, at a minimum, consist of the following:

a. Notify the public regarding the complaint response program, including, but not limited to, email announcements sent to community members and a permanent display on the Facility's dedicated website.

b. 24-Hour hotline number handled by a live operator. All complaint information shall be documented and maintained in a digital format that is secured, backed up, and retrievable for analysis. The information will be made available to South Coast AQMD personnel upon request. All complainants shall be advised that they may file a complaint with South Coast AQMD by telephone at 1-800-CUT-SMOG (1-800-288-7664), on the agency website (www.aqmd.gov), or using the agency's mobile app.

c. Installation of an odor complaint contact sign that provides the 24-hour hotline number and 1-800-CUT-SMOG, and meets all of the following requirements:

- i. The sign shall be installed within 20 feet of the main entrance to the Facility;
- ii. The dimensions of the sign shall be at least 48 inches wide by 48 inches tall;
- iii. Lettering on the sign shall be at least 4 inches tall;
- iv. Lettering color shall contrast with the sign background;
- v. The lower edge of the sign shall be located between 6 and 8 feet above grade; and

- vi. The sign shall be unobstructed and clearly visible to a person outside the Facility property.
- d. Respondent shall investigate all complaints within one hour of receipt.
- e. Respondent shall document and maintain the following information:
 - i. Date and time complaint received.
 - ii. Complainant name, address, and phone number.
 - iii. Complaint description.
 - iv. Employee who investigated complaint, and date and time complainant contacted.
 - v. Verification of odors at location identified by complainant.
 - vi. Wind direction.
 - vii. Odor description.
 - viii. Odor intensity (0 – 5 scale: 0 = no odor detected; 1 = very light odor; 2 = light odor, distinguishable; 3 = moderate odor, very distinguishable; 4 = strong odor, very distinguishable, irritable; 5 = very strong odor, very distinguishable, overpowering and intolerable)
 - ix. Findings – Potential sources, location within the facility, particular equipment and/or process, and root cause analysis.
 - x. For complainants that provide contact information and do not decline receiving a written response, provide a legible written report to complainant summarizing findings within 96 hours of complaint receipt.
 - xi. Date and time complaint summary provided to complainant.
Complainant may remain anonymous if requested; if so, Respondent need not include any identifying information in the complaint documentation.
- f. Notify South Coast AQMD by calling 1-800-CUT-SMOG within one hour

of receiving 6 or more odor complaints (i.e., complaints from 6 different households) in a calendar day.

- g. Provide South Coast AQMD a written report that includes the information recorded under 1€ and a summary of findings by Tuesday at midnight for the prior 7-day reporting period., if at least one complaint was received during that 7-day period. The 7-day reporting period begins on Saturday at 12:00 am and ends on Friday at 11:59 p.m. Report shall be submitted via email to Michal Haynes (mhaynes@aqmd.gov) and Garrett Kakishita (gkakishita@aqmd.gov).

2. Respondent shall designate within sixty (60) days of the issuance of this Order, at their expense, qualified employees at the Facility to perform odor patrols and hydrogen sulfide (H₂S) monitoring using portable H₂S monitors near the Facility in the adjacent communities. The employee conducting the odor patrol in the community shall not have visited the primary treatment systems area prior to conducting an odor patrol that day. Respondent shall authorize these employees to address, respond to, investigate, and take corrective action(s) as necessary and feasible to remediate the source of the odors and document the Facility's response to odor issues. Odor patrols and monitoring shall occur at the following times:

- a. During mornings between the hours of 0400 – 1000 hours.
- b. During evenings between the hours of 2000 – 2200 hours.
- c. When wastewater influent flows are expected to be at the highest that day, according to Facility measurements and data.

Respondent shall hire a consultant to provide initial training for all relevant employees on odor patrol and H₂S monitoring practices and procedures, including odor detection, the surveillance procedures required by this Order, and best practices to effectively track ambient odors during an odor surveillance. Respondent shall hire a consultant to provide refresher training semi-annually for all relevant employees. Respondent shall maintain records documenting both initial and refresher training. Initial training shall occur by November 7, 2022. Following the initial training, and by December 4, 2022 the consultant shall accompany Respondent on community

odor surveillances during the first daily odor surveillance for a period of three weeks to provide additional instruction on conducting the odor surveillance, with each employee that conducts odor surveillance going on at least three consultant-accompanied odor surveillance trips (altogether, “Additional Training”). Respondent shall provide records of training to South Coast AQMD (attention Michal Haynes, mhaynes@aqmd.gov and Garrett Kakishita, gkakishita@aqmd.gov) upon request.

3. Respondent shall continue to operate the three (3) Acrulog H2S monitoring systems at their approximate current locations, per the coordinates listed in the table below, along the eastern fenceline perimeter.

Acrulog site #5	33.924518	-118.426900
Acrulog site #7	33.926856	-118.427632
Acrulog site #9	33.928822	-118.428364

The Acrulog at site #5 shall be operated until the Teledyne at temporary site #2 is operational, pursuant to Condition No. 4. The Acrulogs at sites #7 and #9 shall be operated until the Teledyne at permanent site #3 is operational, pursuant to Condition No. 4. These Acrulog H2S monitoring systems shall measure H2S levels at least once every 15 minutes. Data from these monitors shall be posted on Respondent’s website. Data from these monitors shall be kept on file and made available immediately to South Coast AQMD personnel upon request. Weekly records, from Saturday at 12:00 a.m. through Friday at 11:59 pm, shall be sent to Michal Haynes (mhaynes@aqmd.gov) and Garrett Kakishita (gkakishita@aqmd.gov) by the following Tuesday at midnight for the prior 7-day reporting period.

4. Respondent shall continue to operate the two (2) Teledyne T101 H2S monitoring systems at their current locations, per the approximate coordinates listed in the table below, along the eastern fenceline perimeter.

Teledyne site #1	33.92879	-118.42842
Teledyne temporary site #3	33.92083	-118.42532

Respondent shall, within ninety (90) days of the issuance of this Order, install and operate a third Teledyne T101 H2S monitoring system at the following approximate location.

Teledyne site #2	33.9268142	-118.4275196
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Respondent shall relocate the Teledyne at temporary site #3 to permanent site #3, once the roadwork at the permanent site is complete. The relocated Teledyne shall be installed and operated at the following approximate location, per the coordinates listed in the table below.

Teledyne permanent site #3	33.92245	-118.42589
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Notwithstanding the aforementioned coordinates, Respondent may adjust the siting of Teledyne at site #3 according to the conditions of the site and the requirements of the equipment. Such adjustment may only take place with the concurrence of the South Coast AQMD personnel (Monitoring Division).

Respondent shall maintain at least one (1) spare Teledyne T101 monitoring system on-site in case of malfunction. These Teledyne H2S monitoring systems shall measure H2S levels at least once every 5 minutes. Data from these monitors shall be posted live in real time on Respondent's website. Data from these monitors shall be kept on file and made available immediately to South Coast AQMD personnel upon request. Weekly records, from Saturday at 12:00 a.m. through Friday at 11:59 p.m., shall be sent to Michal Haynes (mhaynes@aqmd.gov) and Garrett Kakishita (gkakishita@aqmd.gov) by the following Tuesday at midnight for the prior 7-day reporting period.

5. Respondent shall notify South Coast AQMD by telephone at 1-800-CUT-SMOG (1-800-288-7664) no more than one hour after discovery or within one hour respondent knew or reasonably should have known of a H2S reading of more than 30 ppb (0.3 ppm) for a one hour average in the modes of H2S monitoring described in Condition Nos. 3 and 4.

6. Respondent, upon detecting H2S levels in excess of 27 ppb (0.027 ppm) for a one-hour average in the modes of H2S monitoring described in Conditions Nos. 3 and 4, shall employ odor reduction measures within one hour, wherever practicable, including but not limited to:

a. Application of additional ferric salts (e.g., ferric chloride) in the influent

channel.

- b. Deployment of misting systems at identified odor sources using non-VOC-containing odor neutralizing chemicals. The misting system and neutralizers shall be used for a minimum of 1 hour after the last exceedance period.

Respondent shall provide records of odor reduction measures taken to Michal Haynes (mhaynes@aqmd.gov) and Garrett Kakishita (gkakashita@aqmd.gov). Respondent shall remeasure H2S levels within 1 hour of employment of odor reduction measures. Respondent shall perform a root cause analysis and provide a written report to Michal Haynes (mhaynes@aqmd.gov), Garrett Kakishita (gkakashita@aqmd.gov), Angela Shibata (ashibata@aqmd.gov), and Simin Mehrabani (smehrabani@aqmd.gov) within 5 working days of the elevated reading(s). Respondent shall submit a Safety Data Sheet (SDS) on the odor neutralizing chemical to Angela Shibata (ashibata@aqmd.gov) and Simin Mehrabani (smehrabani@aqmd.gov), prior to use in the misting system.

7. Respondent shall, no later than twenty-one (21) days from the issuance of this Order, repair or replace all non-functional pressure gauges associated with Permit numbers F66769, F66770, F66771, G22329, F38896 and G15557 and provide proof of repairs to Michal Haynes (mhaynes@aqmd.gov) and Garrett Kakishita (gkakashita@aqmd.gov).

8. Respondent shall, no later than fourteen (14) days from the issuance of this Order, submit a report on the clarifier tank covers of Primary Battery A-D (PTO G48629), including the condition of all tank covers and whether repairs, replacement, or improvements are needed, and a timeline to make any such repairs, replacements or improvements to Michal Haynes (mhaynes@aqmd.gov) and Garrett Kakishita (gkakashita@aqmd.gov).

9. Respondent shall inspect scrubber gauges, stack emissions and process equipment daily. Respondent shall notify South Coast AQMD by telephone at 1-800-CUT-SMOG (1-800-288-7664) of any equipment operating contrary to its Title V permit conditions, within one hour of confirming maintenance problems.

10. Respondent shall inspect bar screens daily. Records of daily bar screen inspections and bar screen maintenance shall be kept monthly and provided to Michal Haynes

(mhaynes@aqmd.gov) and Garrett Kakishita (gkakishita@aqmd.gov) no later than 5 business days after the conclusion of each calendar month.

11. Respondent shall measure the concentration of H₂S at the exhaust of the Odor Control System (PTO G22329) at least once per day as required in Condition No. 6 of the Permit to Operate, using an approved instrument. Approved instrument specifications shall be capable of measuring H₂S concentrations specified in PTO G22329 (1.0 ppmv permit limit). Instrument specification documentation shall be provided to Michal Haynes (mhaynes@aqmd.gov), Garrett Kakishita (gkakishita@aqmd.gov), and Ray Ronquillo (rronquillo1@aqmd.gov) within ten (10) days from the issuance of this Order.

12. Respondent shall notify South Coast AQMD by telephone at 1-800-CUT-SMOG (1-800-288-7664) no more than one hour after detecting an H₂S reading of more than 1.0 ppmv at the exhaust of the Odor Control System (PTO G22329).

13. Respondent shall ensure the Odor Control System (PTO G22329) continuously recirculates sodium hypochlorite and sodium hydroxide through the system without any interruptions. Respondent shall maintain enough sodium hypochlorite and sodium hydroxide onsite at all times so that the system does not operate without scrubbing solution at any time.

14. Respondent shall ensure adequate stock of all odor control products and supplies, including, but not limited to, ferric salts, calibration gases, calibrated field instruments, odor neutralizing chemicals, sodium hypochlorite and sodium hydroxide.

15. Respondent shall no later than ten (10) days from the issuance of this Order authorize retention of a consultant to conduct the following assessments and studies:

- a. A study in the nearby communities, including but not limited to Playa Del Rey and El Segundo, based on available meteorological data to determine prevailing wind patterns in the community and related meteorological conditions. This study shall include an assessment of prevailing wind direction and speeds throughout the course of the past five calendar years.
- b. Onsite study to characterize wind patterns and related meteorological conditions at each location identified as an odor source by the consultant.

Study shall include an assessment of installation of potential barriers between current and future odor source locations at the Facility to reduce odors impacts on the surrounding communities.

- c. Analysis of verified complaint trends throughout the course of the past five calendar years.
- d. Onsite assessment of the Odor Control System (PTO G22329) for the purpose of determining whether the design capacity of the system can sustain the influent flow of the plant and whether certain improvements to the operation of the system can be implemented to reduce the frequency of maintenance events.
- e. Onsite assessment of when odors are most prevalent and the associated operations at the Facility.
- f. Onsite assessment of practices throughout and at the end of the operating day that mitigate odors at the Facility.
- g. Onsite assessment of odor neutralizer uses and applications.
- h. A list of general best management practices to mitigate potential odors from a sewage treatment plant.
- i. The consultant shall attend a public meeting hosted by Respondent to listen to resident concerns.
- j. The consultant shall receive all root cause analysis reports as described in Condition 6.

Upon completion of the assessment of operations, the consultant shall propose adjustments or modifications to sewage treatment systems or operations that the consultant reasonably believes, based on their professional judgment, could reduce the potential emission of odors from the Facility and related community impacts. The consultant shall include an assessment of the feasibility and limitations of any proposed operational adjustment or modification. The consultant shall document its proposals in a final report (Consultant Report) to be submitted to South Coast AQMD (Attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita,

gkakashita@aqmd.gov; Ray Ronquillo, rronquillo1@aqmd.gov; Erika Chavez, echavez@aqmd.gov; and Mary Reichert, mreichert@aqmd.gov) by December 6, 2022.

16. Respondent shall submit a proposed plan (Implementation Plan) implementing the recommendations of the Consultant Report, as described in Condition No. 15, to South Coast AQMD (Attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakashita@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Simin Mehrabani, smehrabani@aqmd.gov); Erika Chavez, echavez@aqmd.gov; and Mary Reichert, mreichert@aqmd.gov) by January 6, 2023. The Implementation Plan shall include timelines for submitting applications for all required approvals from South Coast AQMD and any other regulatory entity, timelines for completing all necessary steps for Respondent to execute contracts and purchase orders, and a manufacturing and installation schedule, as applicable. On the same date that the Respondent submits its Implementation Plan to South Coast AQMD, Respondent shall submit the Consultant Report, Implementation Plan, and a status report to the Hearing Board (attention: Clerk of the Board).

17. Respondent shall retain a consultant to complete two (2) 24-hour integrated samples using EPA TO 15 method, within 30 days of the issuance of this Order, in locations approved by South Coast AQMD. The results shall be released simultaneously to South Coast AQMD and Respondent.

18. Respondent shall, within 30 days of the issuance of this order, create an opt-in email system for residents to receive notifications upon detecting H₂S levels in excess of 27 ppb (0.027 ppm) for a one-hour average in the mode of H₂S monitoring described in Condition No. 4. Respondent shall publish the availability of this opt-in e-mail system on Respondent's website, with instructions on how to opt-in.

19. Respondent shall, within 30 days of the issuance of this order, submit a report to South Coast AQMD (attention Ray Ronquillo, rronquillo@aqmd.gov, Michal Haynes, mhaynes@aqmd.gov; and Garrett Kakishita, gkakashita@aqmd.gov) documenting its current odor mitigation projects, timelines, and prioritizations and reasons therefor.

20. Respondent shall notify South Coast AQMD by calling 1-800-CUT-SMOG at least

24 hours in advance of removing clarifier tank covers of Primary Battery A-D (PTO G48629) for capital improvement purposes.

21. Respondent shall return for a status hearing on January 25, 2023, or as soon thereafter as the Hearing Board can schedule the status hearing, to report in writing, to be received to the Hearing Board, no later than January 20, 2023, on the findings of the Consultant Report, and status of the Implementation Plan and mitigation measures, and consider modification or Dissolution of this Order, as appropriate.

22. The Hearing Board may modify the Order for Abatement upon making the findings required by Health and Safety Code Section 42451(a) and South Coast AQMD Rule 806(a). Any modification of the Order shall be made only at a public hearing held upon 10 days published notice and appropriate written notice to Respondent.

23. The Hearing Board shall retain jurisdiction over this matter until and including September 6, 2023 and at that time this Order shall no longer be of any force or effect, unless this Order is amended, modified or dissolved before then.

24. Nothing herein shall be deemed or construed to limit the authority of South Coast AQMD to issue Notices of Violation, or to seek civil penalties, criminal penalties, or injunctive relief, or to seek further orders for abatement, or other administrative or legal relief.

25. Respondent shall return for a status hearing on December 15, 2022, to report on any notices of violations that have been issued since September 8, 2022. Respondent shall include a report on the causes of those violations, if known, as well as any specific corrective action(s) that were taken.

26. Respondent shall provide, within 30 days from today, to the South Coast AQMD (Attention: Ray Ronquillo, rronquillo1@aqmd.gov; Michal Haynes, mhaynes@aqmd.gov; and Garrett Kakishita, gkakishita@aqmd.gov) the recirculation rate of the scrubbing solution, the pressure drop across the scrubbers, and the pH values where applicable, for the Odor Control System (PTO G22329).

Modification of an Order for Abatement

27. No later than February 24, 2023, Respondent shall submit a report listing all equipment (identified by permit number, if applicable) currently undergoing refurbishment or planned to undergo refurbishment within the next year, repair, and/or construction with a description of the scope of the project, project timeline, and indicate if permit applications have been submitted to South Coast AQMD.

28. Respondent shall conduct the following:

- a. By no later than March 27, 2023, authorize the retention of a contractor to design, incorporate, and maintain redundant capacity for each of the facility's odor control equipment such that if the primary odor control equipment becomes partially operational, non-operational, or is not sufficiently venting and controlling the emission source odors that it serves (e.g. issuance of a Rule 402 Notice of Violation), odors from the vent sources will be sufficiently controlled and ensure compliance with all applicable South Coast AQMD, state, and Federal Rules and Regulations.
- b. Beginning on no later than April 6, 2023, prepare a monthly progress report on the status of contractor procurement, contracts, bidding, contract execution, odor control equipment procurement, odor control equipment application submittal, and odor control equipment installation and/or storage to design, incorporate, and maintain redundant capacity for the facility's odor control equipment to South Coast AQMD. The monthly progress reports shall be submitted in accordance with Condition no. 50. Each monthly report shall clearly identify the new information added as compared to the prior monthly report.
- c. Respondent shall complete Primary Treatment Chemical Scrubbers refurbishment by September 30, 2023.

29. Respondent shall evaluate the installation of windbreaks and/or wind flow disruptors along the eastern border of the facility (such that there are not any distinguishable gaps

in the windbreaks and/or wind flow disruptors that result in a channeling affect across the hillside) to enhance dispersion of odors from the facility. By no later than February 9, 2023, Respondent shall submit a report detailing the findings of the evaluation to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov). The report detailing the findings of the evaluation shall include the following:

- a. The viability and advantages and disadvantages of the different windbreaks and/or wind flow disruptors.
- b. The estimated duration and timeline of the steps necessary to implement and install each of the windbreaks and/or wind flow disruptors evaluated, including any regulatory approvals and any associated environmental analysis and public notification/outreach required, contractor procurement, contracts, bidding, contract execution, equipment procurement, and equipment installation.

If installation of windbreaks and/or wind flow disruptors is deemed viable by South Coast AQMD in writing to Respondent, Respondent shall complete the installation of windbreaks and/or wind flow disruptors no later than 180 days after receipt of written notification of viability by South Coast AQMD or no later than 180 days after required regulatory approvals have been procured, whichever is later.

30. By no later than February 9, 2023, Respondent shall provide a list of all Various Locations air pollution control equipment, by permit number, currently located at the facility. Respondent shall provide notification of any new Various Locations air pollution control equipment brought to the facility within 2 days of bringing the equipment onsite. Notification shall be made to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov,

and the Clerk of the Board, clerkoftheboards@aqmd.gov).

31. Respondent shall ensure that the owner or operator of the air pollution control equipment operating under various locations permits at Hyperion submits complete fixed location permit applications with an expedited permit processing request no later than February 9, 2023 or removes the various locations permitted equipment from site prior to the conclusion of the residency period conditioned in their respective permits.

32. Respondent shall develop and implement a monthly maintenance schedule and procedure for investigating and reporting the condition of the Primary Clarifier seals and covers on a daily basis and shall repair/replace covers as needed. By no later than February 9, 2023, Respondent shall submit the monthly maintenance schedule and procedure for investigating and reporting the condition of the Primary Clarifier seals and covers to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov).

33. Respondent shall install temporary enclosures around the Primary Clarifiers, while the Primary Clarifier covers are open for refurbishment, maintenance, and/or repair, to minimize the release of odors. By no later than February 1, 2023, Respondent shall install the temporary enclosures. The temporary enclosures shall be vented to odor control equipment with a valid South Coast AQMD permit with sufficient odor control and ventilation capacity to vent the vapor space of the vent source and maintain the vapor space under negative pressure such that there is inward air flow at all openings of the vent source to the enclosure.

34. Respondent shall review and evaluate the design of odor control and ventilation systems including fixed location units with Primary Clarifier covers closed as a baseline as well as fixed location units and portable various locations units with a given number of Primary Clarifier covers open to determine whether the odor control and ventilation systems have sufficient capacity to vent the vapor space of the vent source and mitigate odors. This evaluation shall be referred to as the evaluation prior to chemical scrubber upgrades.

Respondent shall review and evaluate the design of odor control and ventilation systems including fixed location units with Primary Clarifier covers closed after the existing chemical scrubber facility upgrades have been completed as a second baseline as well as fixed location units and portable various locations units with a given number of Primary Clarifier covers open after the existing chemical scrubber facility upgrades have been completed to determine whether the odor control and ventilation systems after the upgrades to the chemical scrubber facility have sufficient capacity to vent the vapor space of the vent source and mitigate odors. This evaluation shall be referred to as the evaluation after chemical scrubber upgrades.

The evaluations shall include the following:

- a. A detailed description of the vent source and odor control and ventilation systems, their operational status, and their configuration and location for each scenario evaluated.
- b. Measurements of differential pressure, inward air velocity, and video recorded results of smoke tests, conducted at approximately 25 foot intervals along the length of each row of Primary Clarifiers covers for a given Primary Clarifier Battery.
- c. Measurements of inlet air dampers flow rates into each Primary Clarifier and the inlet flow rate into each odor control and ventilation system, at a minimum, for each scenario evaluated.
- d. Based on the measurements and observations described above, identification of deficiencies of capture, collection, and control of vent sources, as well as recommendations to improve the capture, collection, and control of the vent sources.

By no later than February 8, 2023, Respondent shall submit a report detailing measurements, observations, findings, and recommendations from the evaluation prior to chemical scrubber upgrades to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov;

Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov).

By no later than October 31, 2023, Respondent shall submit a report detailing measurements, observations, findings, and recommendations from the evaluation after chemical scrubber upgrades to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov).

35. If positive pressures are detected in the initial evaluations of the Primary Clarifiers (baseline) as described in Condition No. 34, within 30 days of submittal of the evaluation, Respondent shall submit a plan to achieve negative pressures within the Primary Clarifiers. Respondent shall submit any required permit applications for equipment installations or modifications described in the plan within 14 days of submittal of the plan to achieve negative pressures within the Primary Clarifiers.

36. Respondent shall initiate and complete installation, in accordance with the timeline indicated below, of differential pressure gauges on the Primary Clarifiers, at approximately 3 equidistant locations along the length of each Primary Clarifier including a point furthest from the exhaust ducting (that is being used to vent and control the Primary Clarifiers), to ensure a negative pressure differential is maintained at all times throughout the headspace of the Primary Clarifiers.

- a. Respondent shall initiate the installation of differential pressure gauges on one of the three Primary Clarifier Batteries (of either B, C, or D) by February 8, 2023, and shall complete the installation of differential pressure gauges on this Primary Clarifier Battery by February 24, 2023.
- b. Respondent shall initiate the installation of differential pressure gauges on the remaining of the two Primary Clarifier Batteries (of B, C, and D) that have not initiated the installation of differential pressure gauges by February 24, 2023, and shall complete the installation of differential pressure gauges on these Primary Clarifier Batteries by March 24, 2023.
- c. Respondent shall initiate the installation of differential pressure gauges on

Primary Clarifier Battery A by March 24, 2023, and shall complete the installation of differential pressure gauges on Primary Clarifier Battery A by April 14, 2023.

By no later than April 14, 2023, all Primary Clarifiers shall be equipped with all differential pressure gauges.

Respondent shall record the differential pressure readings at a frequency of no less than twice daily (at least one during the day and one during the night). If negative pressure readings across a monitoring calendar day (day and night readings) are monitored and recorded for a specific differential pressure gauge location for at least seven consecutive days, the monitoring frequency for that specific differential pressure gauge location may be reduced to no less than twice in one day (at least one during the day and one during the night), once a week. Monitoring records shall be kept and maintained and made them available to South Coast AQMD personnel upon request.

37. Respondent shall prioritize refurbishment of the Primary Clarifier covers and seals over other non-essential primary equipment refurbishment works to limit fugitive odor emissions from the Primary Clarifiers. Respondent shall also prioritize refurbishment of the Primary Clarifiers based on the condition of the covers and seals, such that the Primary Clarifier Battery covers and seals that are in the worst condition are prioritized for refurbishment first.

- a. By no later than May 25, 2023, Respondent shall install temporary covers on Primary Clarifier Batteries B, C, and D until permanent covers and seals are installed. Upon installation of the temporary covers, Respondent shall inspect and record the condition of the temporary covers at a frequency of no less than once a week. The inspection results of the conditions of the temporary covers shall be submitted in the monthly report described in Condition no. 50. Respondent shall replace the temporary covers as soon as possible and no later than 7 days after the inspection result identifying that the temporary cover condition has been compromised and shall make the records available to South Coast AQMD personnel upon request.

- b. By no later than December 31, 2023, Respondent shall complete refurbishment of all covers and seals on the Primary Clarifier Batteries online and in service and Respondent shall take any remaining Primary Clarifier Battery(ies) offline and out of service.
- c. By no later than June 6, 2024, Respondent shall complete refurbishment of all covers and seals on the Primary Clarifier Batteries.

38. By no later than March 11, 2023, Respondent shall provide a report detailing findings of the Primary Treatment Optimization Study described in the submitted Implementation Plan. The report shall be submitted to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov).

39. Respondent shall maintain a log indicating the date(s), time, duration, and purpose of the work, whenever a confined space work activity is being conducted on the Primary Clarifiers. This log shall be kept and maintained and made available to South Coast AQMD personnel upon request.

40. By no later than March 27, 2023, Respondent shall initiate the evaluation of the Truck Loading/Unloading Facilities (including the headworks grit removal loading/unloading building and the biosolids sludge loading/unloading building) for the building capture efficiency and fugitive emission mitigation effectiveness. Respondent shall submit a report of the evaluation by May 26, 2023 to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov).

41. Respondent shall ensure all truck entry and egress doors to the Truck Loading/Unloading Facilities (including the headworks grit removal loading/unloading building and the biosolids sludge loading/unloading building) are completely closed prior to any loading

and unloading activities within the buildings by February 8, 2023, except during maintenance of the truck entry and egress doors or during breakdown conditions caused by an accidental fire or non-preventable mechanical or electrical failure. Breakdown conditions shall be reported pursuant to Rule 430 requirements.

42. Respondent shall develop odor mitigation work practice operating procedures for truck entry, egress, loading, unloading, housekeeping practices, and recordkeeping practices at the Truck Loading/Unloading Facilities (including the headworks grit removal loading/unloading building and the biosolids sludge loading/unloading building) to ensure operating procedures are consistently implemented. The odor mitigation work practice operating procedures shall be submitted to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov) by February 28, 2023, 11:59 pm.

43. Respondent shall implement the odor mitigation work practice operating procedures for truck entry, egress, loading, unloading, housekeeping practices, and recordkeeping practices at the Truck Loading/Unloading Facilities (including the headworks grit removal loading/unloading building and the biosolids sludge loading/unloading building) and train facility operators and contractors on the odor mitigation work practice operating procedures by March 14, 2023. Training records shall be maintained and provided to South Coast AQMD upon request.

44. Respondent shall analyze historical pressures in the anaerobic digesters/digester gas storage vessels from the past two years and identify potential releases of digester gas as indicated by pressures at or near the pressure release rating of the Pressure/Vacuum Valves. Respondent shall submit a report identifying the sources of any digester gas releases and the duration of digester gas releases during the past two years and detailed description of the reason or cause for each release. By no later than March 10, 2023, Respondent shall submit the report to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov,

and the Clerk of the Board, clerkoftheboards@aqmd.gov).

45. If a digester control and/or recovery system is deemed viable and/or needed by South Coast AQMD in writing to the Respondent, Respondent shall submit a design proposal to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov) for a digester gas control and/or recovery system for digester gas released from the pressure/vacuum valves on each anaerobic digester/digester gas storage vessel by no later than 45 days after receipt of written notification of viability by South Coast AQMD. Respondent shall submit complete permit application(s) for the installation of a digester gas control and/or recovery system for digester gas released from the pressure/vacuum valves on each anaerobic digester/digester gas storage vessel by no later than 60 days after receipt of written notification of viability by South Coast AQMD. Within 120 days of the issuance of the permit(s), Respondent shall install the digester gas control and/or recovery system on each anaerobic digester/digester gas storage vessel.

46. Respondent shall upon detecting any hydrogen sulfide (H₂S) 15 ppb (0.015 ppm) for a one-hour average in the modes of H₂S monitoring described in Condition Nos. 3 and 4, shall employ odor reduction measures within one hour, wherever practicable, including but not limited to:

- a. Application of additional ferric salts (e.g., ferric chloride) in the influent channel.
- b. Deployment of misting systems at identified odor sources using non-VOC-containing odor neutralizing chemicals. The misting system and neutralizers shall be used for a minimum of 1 hour after the last exceedance period.

Respondent shall conduct a root cause analysis for any fence-line ambient air monitoring (described in Condition Nos. 3 and 4) results greater than 15 ppb hydrogen sulfide (H₂S) for a one-hour average. The analysis shall identify sources and suspected causes of the readings and include any efforts conducted to mitigate the source of the emissions. The analysis shall be submitted to South Coast AQMD within 5 working days of the initial reading greater than 15 ppb

H2S. If the analysis concludes there was a monitor malfunction, Respondent shall include a report from the contractor who inspected, repaired, replaced, or reset the monitor or any of its components. The records of odor reduction measures taken and the root cause analysis shall be submitted to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakashita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov). Respondent shall submit a Safety Data Sheet (SDS) on the odor neutralizing chemical to Angela Shibata (ashibata@aqmd.gov) and Simin Mehrabani (smehrabani@aqmd.gov), prior to use in the misting system.

47. Respondent shall investigate the feasibility and availability of utilizing a portable or roving ambient air monitor(s) to conduct continuous air monitoring to identify sources of significant H2S releases that may impact fenceline monitor readings. By no later than February 24, 2023, Respondent shall submit to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakashita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov), the feasibility and availability findings of utilizing a portable or roving ambient air H2S monitors. The findings shall also identify all companies, vendors, contractors, consultants that were inquired regarding feasibility and availability and provide the results of each inquiry. If the Respondent or South Coast AQMD deems monitoring under this provision as feasible, Respondent shall procure monitoring equipment within 14 days of the feasibility determination and shall commence monitoring within 72 hours of monitoring equipment procurement. Data shall be analyzed and included as part of the root cause analyses for fenceline readings in Condition no. 46.

48. By no later than February 1, 2023, Respondent shall conduct the following:

- a. Introduce sufficient quantities of odor reducing iron salts or other odor reducing chemicals into each influent trunk sewer at least once per day to reduce odors.

- b. Respondent shall monitor and record the H₂S concentration before (if possible) and after or during the introduction of odor reducing iron salts or other odor reducing chemicals into each influent trunk sewer.
- c. Respondent shall use a South Coast AQMD approved method or instrument to monitor the H₂S concentration in each influent trunk sewer.
- d. Respondent shall record the H₂S reading, date, time, location of H₂S measurement, and name of personnel conducting the H₂S monitoring.
- e. Respondent shall record the date, time, location, and the name of personnel conducting introduction of odor reducing iron salt or chemical; and quantity (and specify units) and type of the odor reducing salt or chemical added to each of the influent trunk sewers.
- f. Respondent shall include the records and results of monitoring and recording in the monthly progress reports in accordance with Condition no. 50.
- g. Submit the safety data sheet (SDS) of the odor reducing iron salt or other odor reducing chemical upon the initial use of the iron salt or chemical in the respective monthly progress reports.
- h. Respondent shall utilize the data and records required by this condition to develop and implement further mitigation measures.

49. By no later than February 24, 2023, Respondent shall survey all air pollution control equipment for the presence of pressure gauges and exhaust flowmeters and shall ensure all air pollution control equipment are equipped with operational pressure gauges and ensure they are installed correctly and are properly maintained. Respondent shall submit a list of all air pollution control equipment, status of their pressure gauge(s) and flowmeters, their normal operating range, and their monitoring frequency to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gakishita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov).

50. Respondent shall conduct the community sampling test, completing two (2) 24-hour

integrated samples using EPA TO 15 method, in locations approved by South Coast AQMD, within a three (3) month period, but in no event later than April 25, 2023, The results shall be reported at the June 2023 hearing.

51. Respondent shall submit a monthly progress report on the implementation of the conditions of this Order and any other proposed plans to mitigate odors to South Coast AQMD by email (attention: Michal Haynes, mhaynes@aqmd.gov; Garrett Kakishita, gkakashita@aqmd.gov; Simin Mehrabani, smerhabani@aqmd.gov; Angela Shibata, ashibata@aqmd.gov; Erika Chavez, echavez@aqmd.gov; Mary Reichert, mreichert@aqmd.gov, and the Clerk of the Board, clerkoftheboards@aqmd.gov), by the 6th day of the month at 11:59 p.m. At a minimum, the report shall provide the status of the procurement and execution of the contract(s) and a detailed description of the work completed, challenges encountered, unexpected additional work performed, delays in parts/components delivery (if any), and estimated completion of each phase of the work as required to carry out the conditions of this Order. Each monthly report shall clearly identify the new information added as compared to the prior monthly report.

52. If Respondent determines a modification to this Order is necessary, Respondent shall contact Petitioner's Counsel and the Clerk of the Board to find a mutually-agreeable hearing date. Respondent shall file a Petition to Modify the Order no later than 21 days prior to the agreed-upon hearing date.

53. Petitioner is requested to provide qualitative testimony regarding health effects/health risk for cancer and non-cancer, based on data collected from the TO Analysis Study for both sites, utilizing the MATES V Study.

54. Respondent shall address the relative contribution of fugitives as outlined in Table 3-3, Odor Model Analysis report prepared by Yorke Engineering dated December 20, 2022, and provide an update on how this fugitive emissions will be addressed.

55. Request to South Coast AQMD to report to the Hearing Board on their inspector's report of claims of unexplained revisions to the real-time pollution measurements.

56. Respondent shall provide a statement and documentation outlining the training for the Order for Abatement being provided to all relevant employees.

57. All records required by this Order shall be kept and maintained and shall be provided to South Coast AQMD personnel upon request.

58. ~~Because there are still requirements due from Respondent in June 2024, t~~The Final Compliance deadline is extended to ~~January 3, 2025~~~~August 30, 2024~~. Respondent shall return for a status hearing and/or to consider a modification of the Order for Abatement, on ~~November 20~~~~July 31~~, 2024.

FOR THE BOARD: _____
Mohan Balagopalan

DATED: _____