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

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11 **In the Matter of**

12 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

13 Petitioner,

14 vs.

15 LOS ANGELES CITY SANITATION
16 BUREAU, HYPERION WATER
RECLAMATION PLANT

17 [Facility ID No. 800214]

18 Respondent.

Case No. 1212-39

**[PROPOSED] FINDINGS AND
DECISION FOR A MODIFIED
STIPULATED ORDER FOR
ABATEMENT**

South Coast AQMD Rule 3002(c)(1)

Hearing Date: September 11, 2024

Time: 9:30 a.m.

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

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

24 On September 5, 2024, Respondent Los Angeles City Sanitation Bureau (“LA Sanitation”),
25 represented by Susan Smith, attorney at law, and Petitioner South Coast Air Quality Management
26 District (“South Coast AQMD”), represented by Erika Chavez, Senior Deputy District Counsel,
27 (collectively, “the Parties”) submitted a Stipulation to Place Matter on Consent Calendar. In
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1 support thereof, Respondent LA Sanitation submitted a status update on its compliance with the
2 conditions set forth in the Stipulated Order for Abatement entered on June 20, 2023, by way of the
3 Declaration of Sheri Symons. The status/modification hearing was heard on September 11, 2024,
4 on the Hearing Board’s consent calendar, pursuant to notice in accordance with the provisions of
5 the California Health and Safety Code sections 40823 and South Coast AQMD Rule 812. The
6 following members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Esq.,
7 Vice Chair; Jerry P. Abraham, MD, MPH, CMQ; Mohan Balagopalan; and Cynthia Verdugo-
8 Peralta. Petitioner, Respondent, and their representatives, did not appear. The Hearing Board finds
9 and decides as follows:

10 The Hearing Board finds that GOOD CAUSE exists to support that the Stipulated Order for
11 Abatement entered on June 20, 2023 will remain in effect, and no further modifications are
12 required at this time. This finding of good cause is based on the following:

13 1. The Declaration of Sheri Symons and other record materials demonstrate that, since
14 adoption of the Stipulated Order for Abatement on June 20, 2023, LA Sanitation has made
15 reasonable efforts to comply with its conditions.

16 2. A hearing in this matter shall be calendared on October 8, 2025 at 9:30 a.m., or
17 alternatively, October 9, 2025 at 9:30 a.m., to review the status of this matter and consider a
18 modification and/or extension of the Order.

19 3. The Hearing Board shall retain jurisdiction over this matter until thirty (30) days
20 after Respondent achieves final compliance, per the Order.

21 **CONCLUSIONS**

22 1. The parties have stipulated to issuance of this Order.

23 2. This Order is not intended to be, nor does it act as a variance, and Respondent remains
24 subject to all rules and regulations of the District, and with all applicable provisions of California
25 law.

26 **ORDER**

27 THEREFORE, based on the foregoing and good cause appearing, the Hearing Board
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1 hereby orders Respondent to continue to comply with conditions of the Stipulated Order for
2 Abatement issued on June 20, 2023 and:

3 1. The parties shall appear before the Board for a hearing on October 8, 2025 at 9:30
4 a.m., or alternatively, October 9, 2025 at 9:30 a.m., to review the status of this matter and consider
5 a modification and/or extension of the Order.

6 2. The Stipulated Order for Abatement entered on June 20, 2023 will remain in effect,
7 and no further modifications are required at this time.

8 3. The Hearing Board shall retain jurisdiction over this matter until and including 30
9 days after Respondent has achieved final compliance. Final Compliance is defined as South Coast
10 AQMD’s confirmation that the new flare(s) have been installed, are operational, and comply with
11 all applicable South Coast AQMD Rules, pursuant to source test results for the new flares submitted
12 by LA Sanitation to South Coast AQMD.

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

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

20 6. Nothing herein shall be deemed or construed as an admission by Respondent.

21 7. Respondent shall notify the Clerk of the Hearing Board in writing when final
22 compliance is achieved, as defined in Condition 14 of the Order for Abatement.

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FOR THE BOARD: _____
Micah Ali, Chair

DATED: _____