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9 Attorney for Petitioner  
10 South Coast Air Quality Management District

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

13 **In the Matter of**

14 SOUTH COAST AIR QUALITY  
15 MANAGEMENT DISTRICT,

16 Petitioner,

17 vs.

18 3M HEALTHCARE US OPCO, LLC

19 [Facility ID No. 203538]

20 Respondent.

Case No. **6256-2**

**PETITION FOR A STIPULATED ORDER  
FOR ABATEMENT**

District Rules 203 and 1147

Hearing Date: July 31, 2024  
Time: 9:30 AM  
Place: Hearing Board  
South Coast Air Quality  
Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

21 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, (hereinafter referred to as  
22 “District” or “Petitioner”) petitions the District Hearing Board for an Order for Abatement directed  
23 to Respondent 3M Healthcare US Opco, LLC (hereinafter referred to as “3M” or “Respondent”) as  
24 follows:

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

28 2. Respondent operates a facility that manufactures dental products which, relevant  
here, uses a coating and drying system to dry dental fillings used by dentists. The facility is located  
at 2111 McGaw Avenue, Irvine, CA 92614 (“Facility”), within South Coast AQMD’s jurisdiction  
and subject to South Coast AQMD rules.

1           3.     As a part of its business, and relevant to this Petition, Respondent operates a  
2 regenerative thermal oxidizer (Permit to Operate G76174, hereinafter referred to as “RTO”) to  
3 control VOC emissions for its drying system. A true and correct copy of Permit to Operate G76174  
4 is attached hereto as Exhibit 1.

5           4.     **District Rule 203(b)** requires that equipment must operate in compliance with  
6 conditions specified in the District permit.

7           5.     **District Rule 1147 – NOx Reductions from Miscellaneous Sources**, last amended  
8 May 6, 2022, imposes NOx and CO emissions limits on gaseous and liquid fuel fired combustion  
9 equipment subject to the rule.

10          6.     Respondent’s RTO is subject to Rule 1147.

11          7.     The District alleges that the RTO permit does not have an existing permit condition  
12 that limits emissions to a level not to exceed the applicable NOx limits in Table 1, and as such is  
13 required to meet the applicable NOx and CO limits in Table 2 by the schedule specified in Rule  
14 1147(e)(1) and conduct a source test pursuant to subdivision (h).

15          8.     Pursuant to Rule 1147(e)(1), Respondent was required to submit a permit application  
16 for the RTO to limit emissions not to exceed 20 ppmv NOx and 1,000 ppmv CO.

17          9.     Pursuant to Rule 1147(h)(13)(A), Respondent was required to conduct a source test  
18 to demonstrate compliance with the Rule 1147 emissions limits.

19          10.    To date, Respondent has not submitted a permit application nor conducted a source  
20 test to demonstrate the RTO’s compliance with Rule 1147.

21          11.    Respondent alleges that it does have and has had, at all relevant times, an existing  
22 permit condition that limits NOx emissions to under the Rule 1147 Table 1 limit.

23          12.    Respondent further alleges that it did not conduct a source test for the RTO because  
24 its own engineering tests indicated the RTO at issue was exceeding its applicable permit limit.

25          13.    Respondent further alleges that, upon receiving the results of its engineering tests on  
26 the RTO, it contacted Petitioner to discuss compliance options. A variance petition was filed and  
27 subsequently withdrawn following an agreement with Petitioner on conditions for a Stipulated Order  
28 for Abatement.



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WHEREFORE, the District requests a Stipulated Order for Abatement as follows:

1. That this Hearing Board issue a Stipulated Order for Abatement requiring Respondent to cease and desist operating the RTO in a matter with violates District Rules 203 or 1147 or, in the alternative, to comply with such increments of progress and conditions as the Board deems appropriate.
2. For such other and further relief that this Board deems just and proper.

Dated: July 3, 2024

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT



By: \_\_\_\_\_  
Josephine Lee  
Senior Deputy District Counsel  
Attorney for Petitioner

Dated:

Stipulated on behalf of 3M Healthcare US Opco, LLC:



By: \_\_\_\_\_  
Andrew Brady  
DLA Piper, LLP (US)  
Counsel for 3M Healthcare US Opco, LLC

EXHIBIT 1



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

**PERMIT TO OPERATE**

Page 1  
Permit No.  
G76174  
A/N 653015

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:**

3M HEALTHCARE US OPCO IRVINE  
2111 MCGAW AVE  
IRVINE, CA 92614

ID 203538

**Equipment Location:** 2111 MCGAW AVE, IRVINE, CA 92614-0908

**Equipment Description :**

AIR POLLUTION CONTROL SYSTEM CONSISTING OF:

1. REGENERATIVE THERMAL OXIDIZER, CATALYTIC PRODUCTS, MODEL TRITON 4.95, TWO CERAMIC BEDS, WITH ONE BURNER, MAXON, MODEL KINEDIZER, 900,000 BTU PER HOUR, NATURAL GAS FIRED AND 3 H.P. COMBUSTION AIR BLOWER.
2. EXHAUST SYSTEM WITH 25 HP. BLOWER VENTING TWO SPRAY DRYERS, A NAUTILUS COATING AND DRYING SYSTEM, AND FIVE OVENS (RULE 219 EXEMPT).

**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 EQUIPMENT SHALL BE FIRED WITH NATURAL GAS ONLY.
4. THIS EQUIPMENT SHALL COMPLY WITH THE REQUIREMENTS OF RULE 1147.
5. THE OPERATOR SHALL INSTALL AND MAINTAIN A TEMPERATURE MEASURING DEVICE TO ACCURATELY INDICATE AND RECORD THE TEMPERATURE IN THE AFTERBURNER.
6. A TEMPERATURE OF NOT LESS THAN 1,500 DEGREES FAHRENHEIT SHALL BE MAINTAINED IN THE AFTERBURNER WHEN THE EQUIPMENT IT SERVES IS IN OPERATION.

**FILE COPY**



7. TO MAINTAIN EXEMPTION FROM THE TITLE V REQUIREMENTS, THE TOTAL QUANTITY OF VOC EMISSIONS FROM THIS FACILITY SHALL BE LESS THAN 1,666 POUNDS IN ANY CALENDAR MONTH. IF THE RECORDS GENERATED AFTER THE END OF ANY CALENDAR MONTH SHOW THAT THE TOTAL FACILITY VOC EMISSIONS FOR THE CALENDAR MONTH EXCEED THE EMISSION LIMIT OF THIS CONDITION, THE OPERATOR SHALL SUBMIT AN INITIAL TITLE V PERMIT APPLICATION AND OBTAIN A TITLE V PERMIT PURSUANT TO THE REQUIREMENTS SPECIFIED IN RULE 3003. EXCEEDANCE OF THE VOC EMISSION LIMIT OF THIS CONDITION SHALL NOT SUBJECT ANY EQUIPMENT AT THIS FACILITY TO NEW SOURCE REVIEW REQUIREMENTS IF THE OPERATOR COMPLIES WITH ALL OTHER PERMIT CONDITIONS THAT ARE APPLICABLE TO SUCH EQUIPMENT.
8. TO ENSURE COMPLIANCE WITH THE EMISSION LIMIT OF THIS PERMIT, THE OPERATOR SHALL:
  - A. COMPLY WITH RULE 109 (RECORDKEEPING FOR VOLATILE ORGANIC COMPOUND EMISSIONS).
  - B. WITHIN 14 CALENDAR DAYS AFTER THE END OF EACH CALENDAR MONTH, TOTAL AND RECORD VOC EMISSIONS FOR THE CALENDAR MONTH FROM ALL EQUIPMENT AND OPERATIONS THAT ARE REQUIRED TO HAVE WRITTEN PERMITS OR ARE EXEMPT FROM WRITTEN PERMITS PURSUANT TO RULE 219. THE RECORD SHALL INCLUDE ANY PROCEDURES USED TO ACCOUNT FOR CONTROL DEVICE EFFICIENCIES AND/OR WASTE DISPOSAL. IT SHALL BE SIGNED AND CERTIFIED FOR ACCURACY BY THE HIGHEST RANKING INDIVIDUAL RESPONSIBLE FOR COMPLIANCE WITH DISTRICT RULES.
  - C. MAINTAIN A SINGLE LIST WHICH INCLUDES ONLY THE NAME AND ADDRESS OF EACH PERSON FROM WHOM THE FACILITY ACQUIRED VOC-CONTAINING MATERIAL REGULATED BY THE DISTRICT THAT WAS USED OR STORED AT THE FACILITY DURING THE PRECEDING 12 MONTHS.
  - D. RETAIN ALL PURCHASE INVOICES FOR ALL VOC-CONTAINING MATERIAL USED OR STORED AT THE FACILITY, AND ALL WASTE MANIFESTS FOR ALL WASTE VOC-CONTAINING MATERIAL REMOVED FROM THE FACILITY.
9. THE OPERATOR SHALL MAINTAIN ADEQUATE RECORDS TO VERIFY COMPLIANCE WITH CONDITION NO. 6 ABOVE. ALL RECORDS REQUIRED BY THIS PERMIT SHALL BE PREPARED IN A FORMAT WHICH IS ACCEPTABLE TO THE DISTRICT, RETAINED AT THE FACILITY FOR A MINIMUM OF FIVE YEARS, AND MADE AVAILABLE TO ANY DISTRICT REPRESENTATIVE UPON REQUEST.

**FILE COPY**



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

**PERMIT TO OPERATE**

Page 3  
Permit No.  
G76174  
A/N 653015

**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 "J. Aspell".

BY JASON ASPELL/EB02

5/31/2024

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**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 21865 Copley Drive, Diamond Bar, CA 91765.

On **July 3, 2024**, I served the within document(s) described as **PETITION FOR A STIPULATED ORDER FOR ABATEMENT** on the interested parties in this action as stated below:

Andrew J. Brady, Esq.  
DLA Piper, LLP (US)  
2000 Avenue of the Stars, St. 400  
Los Angeles, CA 90067  
(951) 826-8338  
andrew.brady@dlapiper.com  
Attorney for 3M Healthcare US Opco, LLC (Facility ID #203538)

(BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this District's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid at Diamond Bar, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained by Federal Express, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in a sealed envelope or package designated by the express service carrier, addressed as set forth above, with fees for overnight delivery paid or provided for.

(BY E-MAIL) By transmitting a true .pdf copy of the foregoing document(s) by e-mail transmission from to each interested party at the e-mail address(es) set forth above [on the attached service list]. Said transmission(s) were completed on [date] at [time am/pm] as stated on declarant's e-mail transmission record.

Executed on **July 3, 2024**, at Diamond Bar, California.

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

Lucy Tom-Cao  
\_\_\_\_\_  
(Type or print name)

  
\_\_\_\_\_  
(Signature)