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6 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

7  
8 BEFORE THE HEARING BOARD OF THE  
9 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

10 **In the Matter of**

11 SOUTH COAST AIR QUALITY  
12 MANAGEMENT DISTRICT,

13 Petitioner,

14 v.

15 SOUTHERN CALIFORNIA GAS COMPANY

16 [Facility ID No. 39097]

17 Respondent.

CASE NO. 137-81

**PROPOSED FINDINGS AND  
DECISION FOR AN ORDER FOR  
ABATEMENT (STIPULATED)**

District Rule(s) 203

Hearing Date: August 29, 2024

Time: 9:30 AM

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

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20  
21 This petition for a Stipulated Order for Abatement was heard on the Hearing Board's Consent  
22 Calendar on August 29, 2024, pursuant to notice and in accordance with the provisions of the  
23 California Health & Safety Code Section 40823 and District Rule 812. The following members of  
24 the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Esq., Vice Chair; Jerry P.  
25 Abraham, M.D., MPH, CMQ; Mohan Balagopalan and Cynthia Verdugo-Peralta. The Executive  
26 Officer of the South Coast Air Quality Management District (hereinafter referred to as "South Coast  
27 AQMD" or "District" or "Petitioner"), was represented by Josephine Lee, Senior Deputy District  
28 Counsel. Respondent Southern California Gas Company (hereinafter referred to as "SoCalGas" or

1 “Respondent”), was represented by Vincent Gonzales, Senior Environmental Counsel. The public  
2 was given the opportunity to testify. Appearing as witness(es) testifying on behalf of Petitioner were  
3 Jill Luo, Air Quality Engineer, and Paolo Longoni, Air Quality Inspector. Appearing as witnesses  
4 testifying on behalf of Respondent were Yolanda Barnes, Support Services Facilities Manager, and  
5 Alma Heustis, Environmental Services Air Quality Team Leader. The parties submitted Proposed  
6 Findings and Decision of the Hearing Board. The public was given an opportunity to testify. The  
7 matter was submitted, and evidence received. The Hearing Board finds and decides as follows:

### 8 FINDINGS OF FACT

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

12 2. Respondent owns and operates a multipurpose facility that serves as a home base to  
13 natural gas service technicians and specialists that provide natural gas service and emergency  
14 response to the area. The facility is located at 25200 Trumble Road, Romoland, CA 92585  
15 (“Facility”), within South Coast AQMD’s jurisdiction and subject to South Coast AQMD rules.

16 3. As a part of its business, and relevant to this Petition, Respondent operates an  
17 emergency electrical generator that provides power to the Facility in the event of a grid power  
18 outage. The generator is driven by a natural gas-fired, internal combustion engine rated at 228  
19 bhp, and is permitted under South Coast AQMD Permit to Operate #G8232 (A/N 509809)  
20 [hereinafter referred to as the “Equipment”].

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

23 5. Condition 5 of Permit to Operate #G8232 states: “This engine shall not be operated  
24 more than 200 hours in any one year, which includes no more than 50 hours in any one year for  
25 maintenance and testing purposes.”

26 6. On the morning of Thursday, July 18, 2024, a Facility employee turned on the  
27 Equipment and let it run for maintenance and testing. The employee is responsible for checking  
28 numerous other equipment at the Facility as well as visiting other base facilities for Respondent.

1 He inadvertently left the Equipment running when he left the Facility to attend to other work  
2 matters. When the employee returned to the Facility on Monday morning, July 22, 2024, and  
3 discovered that the Equipment was still running, he immediately turned it off and confirmed that  
4 the Equipment had run for 96.4 hours based on the non-resettable totalizing time meter on the  
5 Equipment.

6 7. As a result of actions within the Respondent's reasonable control, Respondent  
7 operated the Equipment for 46.4 hours in excess of the 50-hour permitted limit for maintenance  
8 and testing.

9 8. It is estimated that the 46.4 hours of operation resulted in excess emissions of  
10 approximately 34.95 pounds of NOx, 46.60 pounds of CO, 34.95 pounds of VOC, 1.03 pounds of  
11 PM, and 0.06 pounds of SOx. According to the Equipment's run-time log, the Equipment had so  
12 far been run for a grand total of 96.8 hours – 0.4 hours of which had been for “emergency use” on  
13 May 23, 2024. The log also indicates that the Equipment had been operated 96.4 hours for  
14 inspection and maintenance purposes.

15 9. Prior to the July 2024 incident, the Equipment had been operated for a grand total  
16 of 3.7 hours, with 3.3 hours attributable to inspection and maintenance. Respondent has not  
17 operated the Equipment since it was turned off on July 22, 2024. However, Respondent needs to  
18 operate the Equipment for maintenance and testing purposes five more times until the end of the  
19 calendar year to ensure proper operation in case of an emergency.

20 10. On August 9, 2024, Petitioner filed a Stipulated Petition for Order for Abatement  
21 alleging that Respondent will be operating the Equipment in violation of Rule 203 and, therefore,  
22 must limit the hours needed for testing and maintenance and limit excess emissions to no more  
23 than necessary until compliance can be achieved.

24 11. Respondent does not admit that it is in violation of the District Rule 203 as  
25 specifically alleged by the District but concedes that action is needed to bring the Equipment back  
26 into compliance with Rule 203.

27 12. The parties seek this stipulated order to impose conditions and enforceable  
28 increments of progress through the issuance of the Order for Abatement.

1 **CONCLUSION**

2 1. The parties have stipulated to the issuance of this Order for Abatement, pursuant to  
3 Health & Safety Code Section 42451(b). In accordance with that section and District Rule 806(b),  
4 the Hearing Board is not required to make a finding that Respondent is in violation of District  
5 Rule 203. Good cause exists to grant this Stipulated Order for Abatement.

6 2. This Stipulated Order for Abatement is not intended to be, nor will it act as, a  
7 variance. Respondent is subject to all rules and regulations of the District and to all applicable  
8 provisions of California law. Nothing herein shall be deemed or construed to limit the authority of  
9 the District to issue Notices of Violation, to seek civil penalties or injunctive relief, or to seek  
10 other administrative or legal relief. The Findings of Fact are based on evidence presented by  
11 Petitioner and Respondent as of the date hereof.

12 3. The issuance of the Order for Abatement is not expected to result in the closing or  
13 elimination of an otherwise lawful endeavor, but if it does result in such closure or elimination,  
14 the District contends that it would not be without a corresponding benefit in reducing air  
15 contaminants.

16 4. Issuance of this Stipulated Order for Abatement, upon a fully noticed hearing, will  
17 not constitute a taking of property without due process of law.

18 **ORDER**

19 THEREFORE, in reliance on the stipulation of the parties, the aforesaid statements,  
20 additional evidence and testimony, and good cause appearing, Respondent is hereby ordered to  
21 cease and desist from all violations of District Rule 203 or, in the alternative, to comply with the  
22 following conditions:

23 1. Respondent shall limit the operation of the Internal Combustion Engine (“ICE”), as  
24 described in Permit to Operate (“PO”) No. G8232, to emergency usage only. Furthermore, for the  
25 duration of the remaining months of the year 2024, the ICE shall operate no more than one (1.0)  
26 hour per month in total for maintenance and testing purposes.

27 2. For the duration of the remaining months of the calendar year 2024, operation of  
28 this ICE beyond the 1.0 hour per calendar month allotted for maintenance and testing purposes

1 shall be allowed only during emergencies resulting in an interruption of service of the primary  
2 power supply or during Stage II or III electrical emergencies declared by the electrical grid  
3 operator. This ICE may be used as part of an interruptible electric service program.

4 3. Respondent shall maintain a monthly operating log for the emergency ICE and  
5 shall send the records to Petitioner by email to **Air Quality Inspector III Paolo Longoni**  
6 ([plongoni@aqmd.gov](mailto:plongoni@aqmd.gov)) on the first Tuesday of each month starting in **September 2024**. The  
7 operating log shall list all ICE operations in the following areas:

- 8 a. Date and hours of emergency operation, and specify the cause of the emergency;  
9 b. Date and hours of maintenance and testing operations; and  
10 c. Date and hours of any other non-emergency operation.  
11

12 4. The Hearing Board may modify the Order for Abatement without the stipulation of  
13 the parties upon a showing of good cause, therefore, and upon making the findings required by  
14 Health and Safety Code Section 42451(a) and District Rule 806(a). Any modification of the Order  
15 shall be made only at a public hearing held upon 10 days published notice and appropriate written  
16 notice to Respondent.

17 5. Respondent shall notify the Clerk of the Board in writing at  
18 [clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov) when final compliance has been achieved.

19 6. The Hearing Board shall retain jurisdiction over this matter until January 17, 2025,  
20 unless this Order is amended and modified.

21  
22 Good cause appearing, it is so ordered.

23 For the Board: \_\_\_\_\_

24 Date Signed: \_\_\_\_\_