

1 OFFICE OF THE GENERAL COUNSEL
2 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

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15 Attorneys for Petitioner

16 South Coast Air Quality Management District

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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

**PETITION FOR ORDER FOR
ABATEMENT**

Health and Safety Code § 41700 and
District Rule 402

Hearing Date: September 6, 2022

Time: 9:00 a.m.

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

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (hereinafter referred to as "District" or "Petitioner") petitions the South Coast AQMD Hearing Board for an Order for Abatement directed to Respondent LOS ANGELES CITY SANITATION BUREAU with respect to its operation of the HYPERION WATER RECLAMATION PLANT ("HYPERION").

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

4 2. Respondent LOS ANGELES CITY SANITATION BUREAU (“LA
5 SANITATION” or “Respondent”) operates HYPERION, a Facility subject to the jurisdiction of the
6 District. HYPERION is located in southwest Los Angeles at 12000 Vista Del Mar, Playa Del Rey,
7 CA 90293. Its Facility ID Number is 800214.

8 3. HYPERION is a sewage treatment plant in southwest Los Angeles, California Bay.
9 The plant is the largest sewage treatment facility in the Los Angeles Metropolitan Area and one of
10 the largest plants in the world. On average 275 million gallons of wastewater enters HYPERION
11 on a dry weather day.

12 4. District Rule 402 and California Health and Safety Code (“H&S Code”) Section
13 41700 prohibit the discharge from any source whatsoever such quantities of air contaminants or
14 other material which cause injury, detriment, nuisance, or annoyance to any considerable number
15 of persons or to the public, or which endanger the comfort, repose, health or safety of any such
16 persons or the public, or which cause, or have a natural tendency to cause, injury or damage to
17 business or property.

18 5. District Rule 1302(m)(1) defines sewage treatment facilities, which are publicly
19 owned or operated, and consistent with an approved regional growth plan, as an Essential Public
20 Service. HYPERION’s sewage treatment facility is such an Essential Public Service.

21 6. The District has received over five hundred odor complaints beginning in January
22 2022 through the present, from the community living near HYPERION alleging the Facility as the
23 source of the odor. The District has traced the odors back to HYPERION on numerous occasions.

24 7. The District alleges that Respondent is in violation and has been in violation of
25 District Rule 402 since June 2022. From June 22, 2022 through August 2, 2022, the District issued
26 seven odor public nuisance Notices of Violation (NOVs) against HYPERION as itemized below.

27
28

1 8. The District issued NOV P73237 to Respondent on or about June 22, 2022 for
2 violation of District Rule 402. A true and correct copy of NOV P73237 is attached hereto as
3 Exhibit A.

4 9. The District issued NOV P76216 to Respondent on or about July 7, 2022 for
5 violation of District Rule 402. A true and correct copy of NOV P76216 is attached hereto as
6 Exhibit B.

7 10. The District issued NOV P76151 to Respondent on or about July 9, 2022 for
8 violation of District Rule 402. A true and correct copy of NOV P76151 is attached hereto as
9 Exhibit C.

10 11. The District issued NOV P75964 to Respondent on or about July 17, 2022 for
11 violation of District Rule 402. A true and correct copy of NOV P75964 is attached hereto as
12 Exhibit D.

13 12. The District issued NOV P75965 to Respondent on or about July 19, 2022 for
14 violation of District Rule 402. A true and correct copy of NOV 75965 is attached hereto as Exhibit
15 E.

16 13. The District issued NOV P75702 to Respondent on or about July 20, 2022 for
17 violation of District Rule 402. A true and correct copy of NOV P75702 is attached hereto as
18 Exhibit F.

19 14. The District issued NOV P76221 to Respondent on or about August 2, 2022 for
20 violation of District Rule 402. A true and correct copy of NOV P76221 is attached hereto as
21 Exhibit G.

22 15. The District and Respondent disagree as to whether Respondent is or has been in
23 violation of District Rule 402. The District alleges that Respondent is unable to conduct operations
24 at the wastewater treatment plant without being in violation of District Rule 402. The Order set
25 forth hereinafter is likely to result in lawful operations by Respondent with respect to complying
26 with Distict rules and regulations.

27 16. The Respondent's wastewater treatment facility provides essential public services to
28 the surrounding communities and prevents pollutants from entering the waterways regulated by state

1 and federal law. However, Respondent has been unable to conduct operations at HYPERION without
2 being in violation of state law and District Rules and Regulations regarding odor nuisance.

3 17. Respondent is in violation and has been in violation of District Rule 402 and H&S
4 Code Section 41700 since June 22, 2022.

5 18. The District, by this petition, seeks an Order for Abatement to require Respondent to
6 cease violating District rules, or comply with such other relief as this Hearing Board deems
7 appropriate.

8 19. The issuance of an Order for Abatement upon a fully noticed hearing would not
9 constitute a taking of property without due process of law.

10 20. This Order for Abatement is not intended to be, nor does it act as a variance.

11 21. The issuance of the petitioned for Order for Abatement is not expected to result in
12 the closing or elimination of an otherwise lawful business, but if it does result in such closure or
13 elimination, it would not be without a corresponding benefit in reducing air contaminants.

14 22. It is the District's intention to file proposed Findings and Decision a few days in
15 advance of the hearing.

16 WHEREFORE, the District prays for an Order for Abatement as follows:

17 1. That this Hearing Board issue an Order for Abatement requiring Respondent to cease
18 and desist from operating its facilities in a manner which violates District Rule 402, by complying
19 with increments of progress and conditions as the Board deems appropriate.

20 2. For such other and further relief that this Board deems just and proper.

21
22 Dated: August 3, 2022

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
OFFICE OF THE DISTRICT COUNSEL
Mary Reichert, Senior Deputy District Counsel
Erika Chavez, Senior Deputy District Counsel

23
24
25 By: 
26 Mary Reichert
27 Erika Chavez
28 Attorneys for Petitioner

EXHIBIT A



NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
06	22	2022

Facility Name: LA CITY SANITATION BUREAU HYPERION TREATMENT PLANT		Facility ID#: 800214	Sector: WE
Location Address: 12000 VISTA DEL MAR		City: PLAYA DEL REY	Zip: 90293-8504
Mailing Address: 12000 VISTA DEL MAR		City: PLAYA DEL REY	Zip: 90293-8504

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

#	Authority*	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (If Applicable)	Description of Violation
1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	402			FOR DISCHARGING SUCH QUANTITIES OF AIR CONTAMINANTS TO CAUSE INJURY, DETRIMENT, NUISANCE, OR ANNOYANCE TO A CONSIDERABLE NUMBER OF PERSONS
2	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	41900			
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: ROBERT PLANTA	Phone: 310)864-9296	Served By: THOMAS LEE	Date Notice Served: 06/22/22
Title: STAFF SUPERINTENDENT	Email: ROBERT.PLANTA@ORCA.LACITY.	Phone No: <input checked="" type="checkbox"/> 909-396- <input type="checkbox"/> 310-233-	Email: TLEE2 @ ac

*Key to Authority Abbreviations:

SCAQMD - South Coast Air Quality Management District	CH&SC - California Health and Safety Code	Method of Service: <input checked="" type="checkbox"/> In Person
CCR - California Code of Regulations	CFR - Code of Federal Regulations	<input type="checkbox"/> Ce

EXHIBIT B



NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
7	3	22

Facility Name: LA CITY SANITATION BUREAU HYPERION TREATMENT PLANT		Facility ID#: 800214	Sector: WE
Location Address: 12000 Vista Del Mar		City: Playa Del Rey	Zip: 90293-8504
Mailing Address: 12000 Vista Del Mar		City: Playa Del Rey	Zip: 90293-8506

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

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DESCRIPTION OF VIOLATIONS

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1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	Rule 402			For discharging such quantities of air contaminants to cause injury, detriment, nuisance or annoyance to a considerable number of persons.
2	<input type="checkbox"/> SCAQMD <input checked="" type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	California H&S Code Sec 41700			
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: Barbara Romero	Phone: (310) 648-5000	Served By: Laurance B. Israel	Date Notice Served: 7-7-22
Title: Director and General Manager	Email: Barbara.Romero@LAcity.org	Phone No: <input type="checkbox"/> 909-396- <input type="checkbox"/> 310-233-	Email: lisrael@aqmd.gov

*Key to Authority Abbreviations:

SCAQMD – South Coast Air Quality Management District	CH&SC – California Health and Safety Code
CCR – California Code of Regulations	CFR – Code of Federal Regulations

Method of Service: **By e-mail &**
 In Person Certified Mail

EXHIBIT C



NOTICE OF VIOLATION

DATE OF VIOLATION		
Month	Day	Year
7	8	22
7	9	22

Facility Name: LA city sanitation Bureau Hyperion Treatment Plant		Facility ID#: 800214	Sector: WE
Location Address: 12000 Vista Del Mar		City: Playa Del Rey	Zip: 90293
Mailing Address: 12000 Vista Del Mar		City: Playa Del Rey	Zip: 90293

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

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DESCRIPTION OF VIOLATIONS

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1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	Rule 402			Discharging such quantities of air contaminants to cause injury, detriment, nuisance or annoyance to a considerable number of persons.
2	<input type="checkbox"/> SCAQMD <input checked="" type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	California H&S Code Sec 41700			
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: Abbas Rahimdel	Phone: 310 648 5500	Served By: JT Shea	Date Notice Served: 7/9/22
Title: Shift Superintendent	Email: Abbas.Rahimdel@ 815 LACity.org	Phone No: <input checked="" type="checkbox"/> 909-396-3540 <input type="checkbox"/> 310-233-	Email: JShea@aqmd.gov

*Key to Authority Abbreviations:

SCAQMD - South Coast Air Quality Management District	CH&SC - California Health and Safety Code
CCR - California Code of Regulations	CFR - Code of Federal Regulations

Method of Service:
 In Person Certified Mail

EXHIBIT D



South Coast Air Quality Management District
21865 COPLEY DRIVE, DIAMOND BAR, CA 91765-4178

P 75964

NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
07	17	22

Facility Name: <i>LA City Sanitation Bureau Hyperion Treatment Plant</i>		Facility ID#: <i>800214</i>	Sector: <i>WE</i>
Location Address: <i>12000 Vista Del Mar</i>		City: <i>Playa Del Rey</i>	Zip: <i>90293-8504</i>
Mailing Address: <i>12000 Vista Del Mar</i>		City: <i>Playa Del Rey</i>	Zip: <i>90293-8504</i>

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DESCRIPTION OF VIOLATIONS

#	Authority*	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (If Applicable)	Description of Violation
1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	<i>R402</i>			<i>For discharging such quantities of air contaminants to cause injury, detriment, nuisance, or annoyance to a considerable number of persons.</i>
2	<input type="checkbox"/> SCAQMD <input checked="" type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	<i>CA Health & safety code 41700</i>			<i>For discharging such quantities of air contaminants to cause injury, detriment, nuisance, or annoyance to a considerable number of persons.</i>
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

7/17/22
DWU

Served To: <i>David Clary</i>	Phone: <i>310-648-5858</i>	Served By: <i>Daniel WCU</i>	Date Notice Served: <i>7/17/22</i>
Title: <i>superintendent</i>	Email: <i>david.clary@lacity.org</i>	Phone No: <input checked="" type="checkbox"/> 909-396-2433 <input type="checkbox"/> 310-233-	Email: <i>DWU @ aqmd.gov</i>

*Key to Authority Abbreviations: SCAQMD – South Coast Air Quality Management District CH&SC – California Health and Safety Code CCR – California Code of Regulations	Method of Service: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Certified Mail
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EXHIBIT E



NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
07	18	22

Facility Name: LA City Sanitation Bureau Hyperion Treatment Plant		Facility ID#: 800214	Sector: WE
Location Address: 12000 Vista Del Mar		City: Playa Del Rey	Zip: 90293-8504
Mailing Address: 1200 Vista Del Mar		City: Playa Del Rey	Zip: 90293-8504

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1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	R402			For discharging such quantities of air contaminants to cause injury, detriment, nuisance, or annoyance to a considerable number of persons.
2	<input type="checkbox"/> SCAQMD <input checked="" type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	CH HIS 41700			For discharging such quantities of air contaminants to cause injury, detriment, nuisance, or annoyance to a considerable number of persons.
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: David Clary	Phone: 310-648-3858	Served By: Daniel Woo	Date Notice Served: 7/19/22
Title: Superintendent	Email: david.clary@la.city.org	Phone No: <input checked="" type="checkbox"/> 909-396-2433 <input type="checkbox"/> 310-233-	Email: DWoo @ aqmd.gov

*Key to Authority Abbreviations:

SCAQMD – South Coast Air Quality Management District
 CH&SC – California Health and Safety Code
 CCR – California Code of Regulations
 CFR – Code of Federal Regulations

Method of Service:

In Person Certified Mail

EXHIBIT F



NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
07	19	22

Facility Name: LA City Sanitation Bureau Hyperion Treatment Plant	Facility ID#: 800214	Sector: WE
Location Address: 12000 vista Del Mar	City: Playa Del Rey	Zip: 90293
Mailing Address: 12000 vista Del Mar	City: Playa Del Rey	Zip: 90293

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1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	Rule 402			Discharging such quantities of air contaminants to cause injury, detriment, nuisance or annoyance to a considerable number of persons
2	<input type="checkbox"/> SCAQMD <input checked="" type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	California H+S Code Sec 41700			
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: Chase Bell	Phone: 310 648 5051	Served By: JT Shea	Date Notice Served: 7/20/22
Title: Shift Superintendent	Email: Chase.Bell@LACity.org	Phone No.: <input checked="" type="checkbox"/> 909-396-3540 <input type="checkbox"/> 310-233-	Email: JShea@aqmd.gov

*Key to Authority Abbreviations:

SCAQMD – South Coast Air Quality Management District
CCR – California Code of Regulations

CH&SC – California Health and Safety Code
CFR – Code of Federal Regulations

Method of Service:

In Person Certified Mail

EXHIBIT G



NOTICE OF VIOLATION

DATE OF VIOLATION		
Month: 8	Day: 1	Year: 22

Facility Name: LA CITY SANITATION BUREAU HYPERION TREATMENT PLANT		Facility ID: 800214	Sector: WE
Location Address: 12000 Vista Del Mar	City: Playa Del Rey	Zip: 90293-85	
Mailing Address: 12000 Vista Del Mar	City: Playa Del Rey	Zip: 90293-85	

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

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DESCRIPTION OF VIOLATIONS

#	Authority*	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (if Applicable)	Description of Violation
1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CHASC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	Rule 402			For discharging such quantities of air contaminants to cause injury, detriment, nuisance or annoyance to a considerable number of persons.
2	<input type="checkbox"/> SCAQMD <input checked="" type="checkbox"/> CHASC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	California H35 Code Sec 41700			
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CHASC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CHASC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CHASC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Target To: Barbara Romero	Phone: (310) 648-5000	Served By: Laurance B. Israel	Date Notice Served: 8-2-22
Title: Director and General Manager	Email: Barbara.Romero@lacity.org	Phone No: <input checked="" type="checkbox"/> 809-398-2370 <input type="checkbox"/> 310-233-	Email: lisrael@aqmd.gov

*Key to Authority Abbreviations: SCAQMD - South Coast Air Quality Management District CCR - California Code of Regulations	CHASC - California Health and Safety Code CFR - Code of Federal Regulations	Method of Service: By e-mail + <input type="checkbox"/> In Person <input checked="" type="checkbox"/> Certified Mail
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