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November 12, 2026

VIA ELECTRONIC MAIL
Chairperson Valerie Armento, Esq., and Members of the Hearing Board
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

Re: Quality Investment Properties Santa Clara, LLC – Petition for Variance (Dkt. No. 3781)

Dear Chairperson Armento and Members of the Hearing Board:

On behalf of the Bay Area Air Quality Management District and the Air Pollution Control Officer (collectively, "Air District"), this letter responds to the above-mentioned Petition for Variance submitted by Quality Investment Properties Santa Clara, LLC ("QTS").

In consultation with QTS, the Air District has prepared a set of conditions, attached as Attachment A, that it proposes should accompany the variance if it is granted. QTS has agreed to comply with these conditions if the variance is granted.

In light of QTS's agreement to these conditions, the Air District does not anticipate opposing the requested variance. However, the Air District reserves the right to withdraw its non-opposition should QTS or the Hearing Board propose alterations to the proposed conditions.

Regards,

Somerset Perry
Assistant Counsel II
Legal Division
Bay Area Air District

FILED
NOV 13 2026
HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

cc; Oscar Fernandez, Quality Investment Properties Santa Clara, LLC
Taylor Bell, Quality Investment Properties Santa Clara, LLC
Brittany Crutchfield, ERM

Attachment A

Before the Hearing Board of the Bay Area Air Quality Management District

In the Matter of the Petition of Quality Investment Properties Santa Clara, LLC
Docket No. 3781

Filed November 10, 2026
Hearing Scheduled for November 17, 2026

PROPOSED CONDITIONS

Definitions

For purposes of these Conditions:

1. Generators means Emergency Generators S2, S3, and S4.

2. Diesel PM means Diesel Particulate Matter.

3. District means the Bay Area Air Quality Management District.

Conditions

1. QTS shall submit to the District the proposed generator operating schedule during transformer maintenance and sampling device installation within three (3) days of the approval of the variance. Such schedule shall identify the anticipated hours of operation of each generator.

2. QTS shall not operate any generator subject to this variance for more than a 16-hour non-continuous combined runtime at a maximum 50% load during this variance period.

3. QTS shall maintain daily records for each generator operating under this variance. Such records shall include, at a minimum:

   Date of operation;

   Hours of operation; and

   Maximum achieved operating load for each hour of operation.

4. All records required by Paragraph 4 shall be submitted to the Air District by January 15, 2026.

5. QTS shall complete all actions subject to this variance by December 31, 2026. Upon completion of all actions subject to the variance, QTS shall notify the Air District pursuant to Para. 9.

6. QTS shall provide the District the following measurements by January 15, 2027:

   The actual amount of excess emissions produced per generator of each pollutant listed in Table 1 below.

   Table 1: **Actual Variance Emissions**

Pollutant	**S-2 Excess Emissions (in lbs.)**	**S-3 Excess Emissions (in lbs.)**	**S-4 Excess Emissions (in lbs.)**	**Total Excess Emissions (in lbs.)**
NO_X				
CO				
VOC				
PM2.5/PM10				
SO_2				
Diesel PM				

7. Within 30 days of the completion of all activities authorized under this variance, QTS shall pay to the District via check the excess emission fees associated with actual excess emissions resulting from the activities authorized herein, in accordance with Section 3-301 of the District's Regulations. The check shall be mailed to Marcy Hiratzaka, Clerk of the Air District Hearing Board.

8. QTS shall submit the requested information listed in Paragraphs 1 through 7 above to the District via email to the following email addresses: sperry@baaqmd.gov, hrodriguez@baaqmd.gov, phibser@baaqmd.gov, cfee@baaqmd.gov.

9. QTS shall pay all applicable fees, except the excess emission fees, to the Clerk of the Hearing Board with fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board.

10. QTS shall notify the Clerk of the Hearing Board in writing when final compliance is achieved, including the return to compliance with Air District regulations and the satisfaction of all conditions provided herein.