

## **PETITIONER/RESPONDENT HEARING BOARD MEETING INFORMATION**

### **Who is the Hearing Board?**

The San Diego County Air Pollution Control District Hearing Board (Hearing Board) is a five-member panel appointed by the San Diego County Air Pollution Control District Governing Board pursuant to and Health and Safety Code Section 40800 et seq. The Hearing Board acts in a separate capacity from the District and hears and decides permit appeals, requests for orders of abatement and variances from District rules and regulations.

### **What time do meetings begin?**

Meetings begin promptly at 9:00 A.M. It is best to arrive early for parking and to check in with the Clerk. Please note, State law mandates that a quorum of the Hearing Board (at least 3 members) must be present to conduct a meeting. If quorum is not met, the meeting will be adjourned and all petitions on the agenda will be re-scheduled to the next available meeting date.

### **Where is the meeting located?**

Meetings are held in the main conference room at the San Diego County Air Pollution Control District Headquarters located at 10124 Old Grove Road, San Diego, CA 92131, unless otherwise noticed. Street parking is available. Please see the attached map if you plan to park in the office parking lot.

### **Does the Hearing Board provide language interpreters for its hearings?**

Reasonable accommodations will be made to accommodate oral interpretation at Hearing Board meetings upon request to the Clerk of the Hearing Board at least 72 hours prior to the hearing or meeting.

### **Do Petitioners/Respondents need an Attorney?**

Petitioners/Respondents may represent themselves or be represented by an attorney. It's important to know what rules have been violated, the level of excess emissions, and to have a plan as to how and when compliance will be reached. It is helpful to bring along any technical experts who are assisting to resolve the issue.

### **Do Petitioners/Respondents have to bring witnesses?**

Witnesses are allowed but they are not required.

### **What happens during the meeting?**

All parties (Petitioner/Respondent, District, and any witnesses) providing testimony to the Hearing Board will be administered a sworn oath by the Clerk, prior to addressing the Hearing Board. Both the Petitioner/Respondent and the District will have an opportunity to present evidence through presentations, documents, exhibits, and any witnesses that may be present. Based on the evidence presented, the Hearing Board will make a determination.

Typically, the District presents its position first. Once the District has concluded, the Petitioner will present their position to the Hearing Board and answer any questions the Hearing Board may have.

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### **Should Petitioners/Respondents provide a formal presentation to the Hearing Board?**

It may be in the Petitioner/Respondent's best interest to provide a visual presentation (i.e., PowerPoint, etc.) to present their position to the Hearing Board, although a visual presentation is not mandatory. Visual presentations should be submitted to the Clerk of the Hearing Board by the filing deadline (9:00 a.m. seven calendar days before the meeting). If Petitioner/Respondent is unable to submit a visual presentation by the filing deadline, the Clerk of the Hearing Board should be notified as soon as reasonably possible if a visual presentation is planned. Any presentations submitted during the meeting will require a majority vote of the Hearing Board to be accepted prior to presenting and a digital/electronic copy will be needed for the Clerk to share any materials in the room and for inclusion in the official record.

### **Can new documents/materials be presented to the Hearing Board during the meeting?**

Any new documents or materials brought to the meeting for Hearing Board consideration will require a Hearing Board vote to be accepted. If accepted, the Hearing Board requires 8 hard copies of the new materials.

### **Will the Board make their decision at the meeting?**

The Board will evaluate the evidence provided and how it applies to the required findings, which may vary depending on the type of Variance requested. The Board will discuss, deliberate, and reach their decision on the petition during the meeting. The Board will state the facts to support the findings on record if the variance is granted.

### **Will Petitioners/Respondents receive a copy of the Board's decision in writing?**

A draft Minute Order will be available on the Hearing Board's webpage within 72 business hours of the meeting. The draft Minute Order will include the names of the motioning Hearing Board Members to approve or deny the Petition and any findings made by the Hearing Board. The draft Minute Order will be placed before the Hearing Board for final approval during the next regularly scheduled meeting. During that time, the draft will be reviewed for technical correctness and grammatical components. The District or Petitioner/Respondent may request the Hearing Board make any revisions pertaining to technical or grammatical components before the Minute Order becomes final. The Hearing Board may direct the Clerk to apply any amendments before voting to finalizing the Minute Order. A copy of the final Minute Order will then be distributed to all parties via email directly following the meeting and made publicly available on the Hearing Board's webpage.

### **Additional questions and information?**

If you have any questions or need additional information related to Hearing Board meetings, please visit the [Hearing Board webpage](#) or, contact Mia Ruffier, Clerk of the Hearing Board at [APCDVariance@sdapcd.org](mailto:APCDVariance@sdapcd.org) or via phone at 858-688-7147.

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APCD parking areas highlighted in yellow

