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**AGENDA**  
**SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD**  
**First Floor Conference Room, San Diego County Air Pollution Control District**  
**10124 Old Grove Rd, San Diego, CA**  
**Regular Meeting, Thursday, September 21, 2023**  
**9:00 a.m.**

Members of the public can access the meeting using the following Zoom meeting credentials:

Phone Numbers:	Meeting ID:
877-853-5247 (Toll Free)	828 9644 0271
888-788-0099 (Toll Free)	

The meeting of the San Diego County Air Pollution Control District Hearing Board, will be held at the San Diego County Air Pollution Control District, First Floor Conference room, at 10124 Old Grove Rd, San Diego, California, to hear and consider the following:

**ORDER OF BUSINESS**

**ROLL CALL**

**SWORN OATH OF WITNESSES BY CLERK**

**ADMINISTRATIVE ITEM(S):**

- A. Public Communication  
*Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction, but not on an item on today's Agenda. (Three minutes total will be allocated; each speaker's presentation may not exceed one minute and may not relate to pending litigation.)*
- B. Approval of Statement of Proceedings/Minutes for September 07, 2023

**PETITION(S):**

- 4536 CORNERSTONE AGGREGATES, INC.** – Petitioner requests the Regular portion of an Interim/Regular Variance filed on August 09, 2023 from APCD Rule 21, specifically, Condition 1 and Rule 12.1(e)(4)(i), Certificate of Registration conditions, of Certificate of Registration Nos. APCD2023-CER-001014 and APCD2023-CER-001015, two portable rock crushing/screening plants located at 332 Elkelton Place, Spring Valley, CA 91977.

## **ADJOURNMENT**

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### **ASSISTANCE FOR THE DISABLED:**

Agendas and records are available in alternative formats upon request. Contact the APCD Hearing Board Clerk at 858-586-2600 with questions or to request a disability-related accommodation including sign language interpretation. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that arrangements may be made.

Pursuant to Government Code 54957.5, written materials distributed to the Hearing Board in connection with this agenda less than 72 hours before the meeting will be available to the public at the San Diego County Air Pollution Control District, 10124 Old Grove Road, San Diego, CA 92131.

**ADMINISTRATIVE ITEM:**

A. Public Communication

**ADMINISTRATIVE ITEM:**

- B. Approval of Statement of Proceedings/Minutes for September 07, 2023

**DRAFT STATEMENT OF PROCEEDINGS**  
**SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD**  
**Regular Meeting, Thursday, September 07, 2023**  
**9:00 a.m.**

**ORDER OF BUSINESS**

**ROLL CALL**

Members present: Vilmarie Rodriguez, Jose Gonzalez and Steve Engleman

Members absent: Alison Schlick, William Powers and Daniel Spencer

Staff present: Mary Mahoney, APCD Civil Actions Investigator; Teh Magee-Hill, APCD Civil Actions Investigator; Dan Plotner, APCD Program Coordinator; Veera Tyagi, Senior Deputy County Counsel APCD; Emily Helms, Senior Deputy County Counsel APCD, and Mia Ruffier, APCD Clerk of the Hearing Board

**SWORN OATH OF WITNESSES BY CLERK**

All witnesses providing public testimony during the meeting were sworn-in by the Clerk of the APCD Hearing Board.

**ADMINISTRATIVE ITEM:**

A. Public Communication

*No public testimony was provided to the Board.*

B. Approval of Statement of Proceedings for August 10, 2023.

**ACTION:**

ON MOTION of Alternate Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of August 10, 2023.

AYES: Rodriguez, Engleman, Gonzalez

ABSENT: Schlick, Powers, Spencer

**PETITION(S) BEFORE THE BOARD:**

**4536 CORNERSTONE AGGREGATES, INC.** – Petitioner requests the Interim portion of an Interim/Regular Variance filed on August 09, 2023 from APCD Rule 21, specifically, Condition 1 and Rule 12.1(e)(4)(i), Certificate of Registration conditions, of Certificate of Registration Nos. APCD2023-CER-001014 and APCD2023-CER-001015, two portable rock crushing/screening plants located at 332 Elkelton Place, Spring Valley, CA 91977.

**ACTION:**

ON MOTION Chair Rodriguez, seconded by Alternate Member Engleman, the Air Pollution Control District Hearing Board denied Petitioner request for Interim portion of an Interim/Regular Variance.

AYES: Rodriguez, Engleman, Gonzalez

ABSENT: Schlick, Powers, Spencer

**ADJOURNMENT:**

The APCD Hearing Board adjourned the September 07, 2023 meeting at 10:47 a.m.

**ASSISTANCE FOR THE DISABLED:**

Agendas and records are available in alternative formats upon request. Contact the APCD Hearing Board Clerk at 858-586-2600 with questions or to request a disability-related accommodation including sign language interpretation. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that arrangements may be made.

Pursuant to Government Code 54957.5, written materials distributed to the Hearing Board in connection with this agenda less than 72 hours before the meeting will be available to the public at the San Diego County Air Pollution Control District, 10124 Old Grove Road, San Diego, CA 92131.

*The statements contained in this draft document are subject to change until they are approved in their final form by the Air Pollution Control District Hearing Board at a subsequent public meeting.*

**ADMINISTRATIVE ITEM:**

A. Public Communication

**ACTION:**

*No public testimony was provided to the Board.*

MIA RUFFIER

Clerk of the San Diego County Air Pollution Control District Hearing Board

**ADMINISTRATIVE ITEM:**

B. Approval of Statement of Proceedings/Minutes for August 10, 2023.

**ACTION:**

ON MOTION of Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of August 10, 2023.

AYES: Rodriguez, Engleman, Gonzalez

ABSENT: Schlick, Powers, Spencer

MIA RUFFIER

Clerk of the San Diego County Air Pollution Control District Hearing Board



**COUNTY OF SAN DIEGO  
AIR POLLUTION CONTROL DISTRICT HEARING BOARD  
DRAFT BOARD ORDER**

**4536 CORNERSTONE AGGREGATES, INC.** – Petitioner requests the Interim portion of an Interim/Regular Variance filed on August 09, 2023 from APCD Rule 21, specifically, Condition 1 and Rule 12.1(e)(4)(i), Certificate of Registration conditions, of Certificate of Registration Nos. APCD2023-CER-001014 and APCD2023-CER-001015, two portable rock crushing/screening plants located at 332 Elkelton Place, Spring Valley, CA 91977.

Notice of time and place of hearing was given as required by law.

**ACTION:**

ON MOTION of Chair Rodriguez, seconded by Alternate Member Engleman, the Air Pollution Control District Hearing Board closed the hearing based upon testimony given and evidence provided, the Board determined that good cause could not be made and denied Petitioner request for Interim portion of an Interim/Regular Variance.

**ADDITIONAL ENFORCEMENT CONDITIONS**

After a thorough investigation of all relevant facts, including public comments, it was determined that the schedule for compliance set forth in the Order is as expeditious as practicable, that the terms of this Order comply with applicable sections of the State Health and Safety Code and that the following additional provisions shall apply:

1. If you believe that you cannot meet a condition in this Order or in any accompanying Schedule of Increments of Progress, you may petition the Hearing Board to modify this Order or Schedule of Increments of Progress pursuant to Health & Safety Code 40825, 40826, 42351.5, and 42356-42357. Modifying the Increments of Progress generally requires the same notice as a 90-day variance and extending the final compliance date requires the same notice as a regular variance; please consult the Hearing Board Calendar or Clerk for specific dates.
2. If you have any questions about how to comply with this Order, you may contact the District, attention Scott Nester, at (858) 248-5810. Unless otherwise stated, all submittals to the District pursuant to this Order shall be made to: San Diego Air Pollution Control District, Compliance Division, 10124 Old Grove Road, San Diego, CA 92131; or Email: [mary.mahoney@sdapcd.org](mailto:mary.mahoney@sdapcd.org).
3. The U.S. Environmental Protection Agency (EPA) does not recognize variances granted under California state law. A Variance Order granted by this Board does not preclude either the EPA or citizens from seeking penalties for violations of federal law.

4. Failure to comply with any condition in this Order or in any accompanying Increments of Progress schedule may result in any of the following actions:
  - a. Enforcement pursuant to California Health and Safety Code Section 42400, 42401, 42402 or 42403, including possible judicial action for an injunction and/or civil penalties, and, in appropriate cases, criminal prosecution.
  - b. Revocation or modification of this Order under California Health and Safety Code Section 42356 or 42362, after notice and opportunity for a public hearing.

**FAILURE TO COMPLY** with any of the foregoing is a violation of this Order.

AYES: Rodriguez, Engleman, Gonzalez

ABSENT: Schlick, Powers, Spencer

MIA RUFFIER

Clerk of the San Diego County Air Pollution Control District Hearing Board



## **09.07.23 APCD HB Speaker Slips**

# Air Pollution Control District Hearing Board

DATE 9-7-23 Petition Number 4536

SUBJECT Interim Variance Cornerstone Aggs

## REQUEST TO SPEAK

PLEASE PRINT NAME LEGIBLY

Name Cody Johnson  
First Last

Organization Name CSJ/ Cornerstone Agg

Please check below:

☒ Officer or Authorized Employee for Petitioner

☐ Agent or Legal Representation

PLEASE SEE GUIDE FOR SPEAKERS ON REVERSE

**(FOR PETITIONER)**  
**OTHER THAN APCD**

# Air Pollution Control District Hearing Board

DATE 9/7/23 Petition Number 4536

SUBJECT Interim Variance Cornerstone Aggregates

## REQUEST TO SPEAK

PLEASE PRINT NAME LEGIBLY

Name Alex Martin  
First Last

Organization Name APM Engineering / Cornerstone Aggregates

Please check below:

☒ Officer or Authorized Employee for Petitioner

☐ Agent or Legal Representation

PLEASE SEE GUIDE FOR SPEAKERS ON REVERSE

**(FOR PETITIONER)**  
**OTHER THAN APCD**

## Air Pollution Control District Hearing Board

DATE 9/7/2023 Petition Number 4536

SUBJECT CORNERSTONE AGGREGATES

## REQUEST TO SPEAK

PLEASE PRINT NAME LEGIBLY

Name PAUL WILK  
First Last

Organization Name ATRUS LLC

Please check below:

☐ Officer or Authorized Employee for Petitioner

☒ Agent or Legal Representation

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PLEASE SEE GUIDE FOR SPEAKERS ON REVERSE

**(FOR PETITIONER)**  
**OTHER THAN APCD**

**PETITION 4536**

**Petitioner request for continuance**

## TRANSMITTAL MEMO

**TO:** Air Pollution Control District Hearing Board

**DATE:** September 14, 2023

**THRU:** Clerk of the Hearing Board

**CC:** Teh Magee-Hill, Civil Actions Investigator  
APCD Compliance Division

**FROM:** Paul A. Weir, Agent for Petitioner  
CORNERSTONE AGGREGATES, INC

**RE:** REQUEST TO CONTINUE THE HEARING ON PETITION NO. 4536  
FOR REGULAR VARIANCE - CORNERSTONE AGGREGATES, INC

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In accordance with Rule 28 of the Hearing Board's Rules and Regulations, PETITIONER, Cornerstone Aggregates, Inc, is requesting a Continuance of the Hearing on its Petition for Regular Variance, now scheduled for Thursday, September 21, 2023 **until Thursday, October 12, 2023**, the next regularly scheduled meeting of the Hearing Board.

PETITIONER is making this request for continuance to allow time for the San Diego APCD's Engineering staff to receive and begin processing of its applications for Stationary Source Permits for the equipment that is currently the subject of the request for Variance, as well as to continue to coordinate with the APCD's Compliance Division on resolving any remaining issues pertaining to the Petition on which there is current disagreement.

Pursuant to Hearing Board Rule 28a), PETITIONER's Agent contacted The Magee-Hill, the Civil Actions Investigator assigned to this Petition, today, September 14, 2023 to inform the APCD of this request for Continuance and was told that the APCD would not oppose the PETITIONER's request.

On behalf of the PETITIONER, I appreciate the Hearing Board's consideration of this request.

Please feel free to contact me at (XXX) XXX-XXXX if anyone should have any questions.

**From:** [APCD Variance](#)  
**To:** [Paul Weir](#); [APCD Variance](#)  
**Cc:** [Ruffier, Maria](#); [Magee-Hill, Teh](#); [Cody Johnson](#); [Alex Martin](#)  
**Subject:** RE: [External] Request For Continuance for Hearing Board Petition 4536  
**Date:** Thursday, September 14, 2023 8:54:31 AM  
**Importance:** High

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Good morning Mr. Weir,

Thank you for providing your communication request for continuance of Petition 4536 from September 21, 2023 to October 12, 2023. Due to noticing requirements for the Regular portion of your Petition, I will be unable to schedule for October 12, 2023. However, as discussed our telephone conversation this morning, the Regular portion of Petition 4536 will be scheduled for October 26, 2023 in order to satisfy the mandated public noticing requirements. Please feel free to reach out to me if you have any questions.

Best,

**Mia Ruffier** (She/Her/They/Them)

Clerk of the Hearing Board - SDAPCD District Boards

10124 Old Grove Rd, San Diego, CA 92131

☎ (858) 688-7147

✉ [Maria.Ruffier@sdcounty.ca.gov](mailto:Maria.Ruffier@sdcounty.ca.gov)

[www.sdapcd.org](http://www.sdapcd.org)

<https://twitter.com/sdapcd>

<https://www.facebook.com/SDAPCD>

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**From:** Paul Weir

**Sent:** Thursday, September 14, 2023 8:36 AM

**To:** APCD Variance <[APCDVariance@sdapcd.org](mailto:APCDVariance@sdapcd.org)>

**Cc:** Ruffier, Maria <[Maria.Ruffier@sdapcd.org](mailto:Maria.Ruffier@sdapcd.org)>; Magee-Hill, Teh <[Teh.Magee-Hill@sdapcd.org](mailto:Teh.Magee-Hill@sdapcd.org)>;  
Cody Johnson ; Alex Martin

**Subject:** [External] Request For Continuance for Hearing Board Petition 4536

Good morning Mia,

Please see the attached memo that requests that the Hearing on Cornerstone Aggregates Inc.'s Petition 4536 for Regular Variance be continued until October 12, 2023.

Please call if you should have any questions.

Thanks,

Paul