



STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
Regular Meeting, Thursday, April 8, 2021
9:00 a.m.

ORDER OF BUSINESS

ROLL CALL

Members present: Chair Ruth V. Rodriguez, Vice-Chair Nicholas J.P. Tonner, Geoffrey Arthur Smith, Thomas Rappolt, William Powers

Staff present: William Jacques, APCD Acting Chief of Compliance Division, Mary Mahoney, APCD Civil Actions Investigator, Paula Forbis, County Counsel for the APCD, John Annicchiarico, Senior Engineer APCD, Emily Helms, County Counsel for the APCD Hearing Board, Marvice Mazyck, Clerk of the APCD Hearing Board

Petitioner(s) present: David Silverstein, Associate Counsel NAVFAC Southwest

SWORN OATH OF WITNESSES BY CLERK

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

ADMINISTRATIVE ITEM:

A. Approval of Minute Orders for February 18, 2021.

ACTION:

ON MOTION of Member Smith, seconded by Member Powers, the Air Pollution Control District Hearing Board approved the Minutes from February 18, 2021.

AYES: Powers, Smith, Rappolt, Tonner

ABSENT: Rodriguez

PETITION BEFORE THE BOARD:

4516 NAVFAC Southwest: As Permitted Party, Requests a Permit Appeal Hearing for Permit No.'s APCD2021-PTO-003675, APCD2021-PTO-003676, and APCD2021-PTO-003677 Pertaining to Annual Engine Maintenance Requirements and Recordkeeping in Support of Ship Repair and Maintenance Operations Located at Naval Base Point Loma, USN NAV Sta 3 Shore Int. Maint. Act and Naval Station San Diego, Respectively, in Accordance with Rule 25.

ACTION:

ON MOTION of Member Smith, seconded by Chair Rodriguez, the Air Pollution Control District Hearing Board denied the Petitioner's request for an Appeal of Permit No.'s APCD2021-PTO-003675, APCD2021-PTO-003676, and APCD2021-PTO-003677.

Based upon testimony given and evidence provided, the Board determined that the Air Pollution Control District provided fair and reasonable application of Rule 69.4.1. and has consistently applied this Rule to multiple applicants since 2009. The Board determined that while both parties provided compelling arguments, the Petitioner did not provide evidence or the necessary information to grant the appeal based on good cause.

It is the position of the Board that the appeal must be denied due to consistent and reasonable application of Rule 69.4.1 by the Air Pollution Control District.

AYES: Powers, Smith, Rappolt, Rodriguez, Tonner

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. (Five minutes total will be allocated; each speaker's presentation may not exceed one minute and may not relate to pending litigation).

ACTION:

There were no public speakers.

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.