



STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
Regular Meeting, Thursday, June 10, 2021
9:00 a.m.

ORDER OF BUSINESS

ROLL CALL

SWORN OATH OF WITNESSES BY CLERK

ADMINISTRATIVE ITEM:

- A. Approval of Minute Orders for May 27, 2021.

ACTION:

ON MOTION of Member Smith, seconded by Member Rappolt, the Air Pollution Control District Hearing Board approved the Minutes from May 27, 2021

AYES: Powers, Smith, Rappolt, Rodriguez

ABSTAIN: Tonner

PETITION BEFORE THE BOARD:

4519 Determination of Rehearing for Navy Regional Southwest: As Permitted Party requests a rehearing in the matter of Permit Appeal Petition on APCD2021-PTO-003677, APCD2021-PTO-003676, and APCD2021-PTO-003675. The rehearing is for appeal of permit conditions drawn from District Rule 69.4.1 and 63 CFR subpart ZZZZ. The matter was heard on April 8, 2021.

ACTION 1.1:

A Motion was made by Member Rodriguez, seconded by Member Tonner, to approve the Rehearing for Navy Regional Southwest based on good cause being established that the Petitioner was not given due process to present their case before the San Diego County Air Pollution Control District Hearing Board.

The Motion failed due to lack of majority vote.

NOES: Powers, Smith, Rappolt, Rodriguez, Tonner

ACTION 1.2:

ON MOTION of Member Powers, seconded by Member Rappolt, the San Diego County Air Pollution Control District Hearing Board denied the request for rehearing for Navy Regional Southwest due to lack of good cause.

AYES: Powers, Smith, Rappolt, Rodriguez, Tonner

REASONS FOR DECISION:

After reviewing the Petitioner’s petition and considering Petitioner’s argument, the Hearing Board did not find good cause for exercising its discretion to rehear the petition. Petitioner’s subject matter expert was allowed sufficient time to testify during the permit appeal hearing on April 8, 2021. Additional time for testimony was properly denied pursuant to Hearing Board Rule 20, which requires irrelevant and unduly repetitious evidence to be excluded.

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.