



STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
Regular Meeting, Thursday, August 12, 2021
9:00 a.m.

ORDER OF BUSINESS

ROLL CALL

Members present: Ruth Vilmarie Rodriguez, Chair; Jose Gonzalez; William Powers; Alison Schlick; Daniel Spencer

Staff present: William Jacques, Chief of Departmental Operations; Scott Nestor, APCD Civil Actions Investigator; Emily Helms, APCD Hearing Board Counsel; and Dawn Noble, APCD Hearing Board Clerk

Petitioner(s) present: Todd M. Abbott, Esquire legal representative of Anton's Service Inc. Petition 4520.

SWORN OATH OF WITNESSES BY CLERK

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

PUBLIC COMMUNICATION:

No public testimony was given to the Board.

ADMINISTRATIVE ITEM:

A. Approval of Statement of Proceedings for July 8, 2021.

ACTION:

ON MOTION of Member Powers, seconded by Member Spencer, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of July 8, 2021.

AYES: Gonzalez, Powers, Rodriguez, Schlick, Spencer

B. Recognition of Outgoing Air Pollution Control District Hearing Board Members
Chair Rodriguez recognized outgoing Air Pollution Control District Hearing Board Members Thomas Rappolt, Geoffrey Smith, and Nicolas Tonner for their service on the Hearing Board.

C. Air Pollution Control District Hearing Board Member Composition Changes

ACTION:

ON MOTION of Member Powers, seconded by Member Spencer; the Air Pollution Control District Hearing Board selected Alison Schlick as Hearing Board Vice Chair.

AYES: Gonzalez, Powers, Rodriguez, Schlick, Spencer

D. APCD Hearing Board Member Training by County Counsel

This item was withdrawn at the request of the APCD Hearing Board Chair.

PETITION(S) BEFORE THE BOARD:

4517 Consideration of Continuance for Orange Grove Energy L.P. (OGE): Consider whether to continue Petition No. 4517 Permit Appeal Hearing regarding the San Diego Air Pollution Control District's decision to issue an Authority to Construct (ATC) permit APCD2021-APP-006575, and the requirement to file Form 502(b)(10) for a modification to the Title V permit, based upon improper interpretation and application of District Rules 10 (Permits Required), and New Source Review (NSR) Rules 20, 20.1 and 20.3, and Regulation XIV (Title V Operating Permits) to August 12, 2021. A request for continuance was received from the Petitioner on May 25, 2021, and a second request for continuance was received on June 22, 2021. The Hearing Board set the hearing for July 22, 2021, but the meeting was adjourned.

ACTION:

Noting for the record that a request for withdrawal was received from the Petitioner on July 30, 2021; ON MOTION of Member Schlick, seconded by Member Powers the Air Pollution Control District Hearing Board withdrew Petition 4517 - Orange Grove Energy L.P.

AYES: Gonzalez, Powers, Rodriguez, Schlick, Spencer

4520 Anton's Service Inc: Requests a Permit Appeal Hearing regarding the San Diego County Air Pollution Control District's decision to deny permits for a new concrete and asphalt crushing and recycling operation at 1411-1419 Magnolia Ave in El Cajon, as proposed in application nos. APCD2021-APP-006708 and APCD2021-APP-006709. The District denied the applications as the project did not comply with District Rule 1200, Toxic Air Contaminants - New Source Review.

ACTION:

Noting for the record that a request for continuance was received from the Petitioner on August 9, 2021 and that both the Petitioner - Anton's Services Inc. and the Air Pollution Control District stipulated an agreement of the continuance; ON MOTION of Member Schlick, seconded by Member Powers, the Air Pollution Control District continued Petition 4520 - Anton's Service Inc. to September 23, 2021.

AYES: Gonzalez, Powers, Rodriguez, Schlick, Spencer

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.