

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
Regular Meeting, Thursday, August 26, 2021
9:00 a.m.

ORDER OF BUSINESS

ROLL CALL

Members present: Ruth Vilmarie Rodriguez, Chair; Alison Schlick, Vice Chair; Samantha Hurst; Daniel Spencer; Michael Stewart

Staff present: William Jacques, Chief of Departmental Operations - Compliance; Julie Byford, APCD Civil Actions Investigator; Mary Mahoney, Civil Actions Investigator; Gretchen May, Compliance Inspector II; Nathan Gutzwiller, Senior Chemist; Mohsen Nazemi, Chief of Departmental Operations - Engineering; Paula Forbis, APCD Staff Counsel; Emily Helms, APCD Hearing Board Counsel; and Dawn Noble, APCD Hearing Board Clerk

Petitioner(s) present: Petition 4521 - Tom Rosales, Assistant Director City of San Diego, Public Utilities Department.
Petition 4522 – Shawn Mendoza, Compliance Manager and Paul Weir, Consultant.

ADMINISTRATIVE ITEM:

A. Approval of Statement of Proceedings for August 12, 2021.

ACTION:

ON MOTION of Member Spencer, seconded by Member Schlick, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of August 12, 2021.

AYES: Rodriguez, Schlick, Spencer, Stewart

ABSTAIN: Hurst

PUBLIC COMMUNICATION:

No public testimony was given to the Board.

SWORN OATH OF WITNESSES BY CLERK

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

PETITION(S) BEFORE THE BOARD:

4521 City of San Diego Public Utilities Department, Point Loma Wastewater Treatment Plant:

The San Diego County Air Pollution Control District petitions the District Hearing Board for a Stipulated Abatement Order (SAO) directed to Respondent, City of San Diego Public

Utilities Department, Point Loma Wastewater Treatment Plant (hereinafter “City”), and all employees related to the City’s operation of a municipal wastewater treatment plant, located at 1902 Gatchell Road in the City of San Diego. The District’s petition seeks a Stipulated Abatement Order requiring Respondent to cease violating conditions of District issued permit: APCD2009-PTO-950315, by causing leaks, resulting in air emissions. The District Hearing Board will decide whether to issue a Stipulated Abatement Order that requires the City to comply with District Rules 21 and 1421.

ACTION:

ON MOTION of Member Rodriguez, seconded by Member Schlick, the Stipulated Abatement Order was granted with two conditions: 1) Within 10 working days, the City (Respondent) is to provide a detailed timeline that allows the District (Petitioner) and the Hearing Board to identify a roadmap for implementation of sustainable corrections and 2) at the Hearing Board meeting on September 23, 2021, the District is to provide a status update on progress regarding the timeline of corrections.

AYES: Hurst, Rodriguez, Schlick, Spencer, Stewart

4522 Superior Ready Mix LP:

Petitioner requests the interim portion of an Interim/Regular variance (filed on August 19, 2021) from Permit Condition No. 33 of Permit No. APCD2009-PTO-982505. Petitioner requests an extension of the source testing deadline of August 31, 2021, for Petitioner’s hot mix asphalt plant located at 500 N Tulip Street in Escondido California.

ACTION:

ON MOTION of Member Rodriguez, seconded by Member Schlick, the Air Pollution Control District Hearing Board approved the following documents from the Air Pollution Control District to be considered:

- Exhibit 1: PowerPoint Presentation
- Exhibit 2: Email and Correspondence Timeline.

AYES: Hurst, Rodriguez, Schlick, Spencer, Stewart

ON MOTION of Member Rodriguez, seconded by Member Schlick, the Air Pollution Control District voted to deny Petitioner’s request for an Interim Variance because the Board could not find good cause, which is required for granting an Interim Variance. The Board also could not make the six findings required for an Interim/Regular Variance, specifically the finding regarding the unreasonable taking of property.

AYES: Hurst, Rodriguez, Schlick, Stewart

ABSENT: 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.