

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
Regular Meeting, Thursday, September 23, 2021
9:00 a.m.

ORDER OF BUSINESS

ROLL CALL

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

Staff present: William Jacques, Chief of Departmental Operations - Compliance; Julie Byford, APCD Civil Actions Investigator; Scott Nestor, Civil Actions Investigator; Dan Plotner, Compliance Program Coordinator; Mary Mahoney, Civil Actions Investigator; Mohsen Nazemi, Chief of Departmental Operations - Engineering; Emily Helms, APCD Hearing Board Counsel; and Dawn Noble, APCD Hearing Board Clerk

Petitioner(s) present: Petition 4521 - Julie Byford, Civil Actions Investigator, Air Pollution Control District.

Respondent(s) present: Petition 4521 - Tom Rosales, Assistant Director City of San Diego, Public Utilities Department.

SWORN OATH OF WITNESSES BY CLERK

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

ADMINISTRATIVE ITEM:

A. Approval of Statement of Proceedings for September 9, 2021.

ACTION:

ON MOTION of Member Spencer, seconded by Member Hurst, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of September 9, 2021.

AYES: Hurst, Powers, Rodriguez, Schlick, Spencer

PUBLIC COMMUNICATION:

No public testimony was given to the Board.

PETITION(S) BEFORE THE BOARD:

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. A request for continuance was received from the Petitioner on August 9, 2021, and both the Petitioner and the Air Pollution Control District stipulated an agreement of continuance to September 23, 2021.

ACTION:

Noting for the record that a request for withdrawal was received from the Petitioner on September 17, 2021, because APCD approved the requested permits.

ON MOTION of Member Schlick, seconded by Member Powers the Air Pollution Control District Hearing Board approved the withdrawal of Petition 4520 – Anton’s Service Inc.

AYES: Hurst, Powers, Rodriguez, Schlick, Spencer

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

During the District Hearing Board meeting on August 26, 2021, the San Diego County Air Pollution Control District petitioned 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 was for 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 granted the Stipulated Abatement Order with two conditions: 1) Within 10 working days, the City is to provide a detailed timeline that allows the District 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.

ACTION:

The District provided the Hearing Board with an update on the progress made by the City’s Point Loma Wastewater Treatment Plant toward repairing and preventing digester gas leaks. The update included confirmation of a contractor hired and onsite, parts ordered, preventative maintenance matrix progress and approach to a sustainable compliance plan.

ON MOTION of Member Schlick, seconded by Member Spencer, the status update was accepted, and an additional meeting will be scheduled so the District can provide an update to the Hearing Board within 30 days after the February 1, 2022, end date to show tracked progress.

AYES: Hurst, Rodriguez, Schlick, Spencer, Stewart

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.