

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
Regular Meeting, Thursday, October 28, 2021
9:00 a.m.

ORDER OF BUSINESS

ROLL CALL

Members present: Alison Schlick, Vice Chair; Jose Gonzalez; 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; Heather Magee-Hill, Civil Actions Investigator; Emily Helms, APCD Hearing Board Counsel; and Dawn Noble, APCD Hearing Board Clerk

Petitioner(s) present: Petition 4523 – Jerry Perrault, Petitioner and Paul Weir, Petitioner Representative

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 23, 2021.

ACTION:

ON MOTION of Member Spencer, seconded by Member Powers, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of September 23, 2021.

AYES: Gonzalez, Powers, Schlick, Spencer

B. Authorization of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)

ACTION:

ON MOTION of Member Spencer, seconded by Member Powers, the Air Pollution Control District Hearing Board adopted the Resolution Authorizing Teleconferenced Public Meetings Pursuant to Government Code Section 54953.

AYES: Gonzalez, Powers, Schlick, Spencer

PUBLIC COMMUNICATION:

No public testimony was given to the Board.

PETITION(S) BEFORE THE BOARD:

4523 Tom and Jerry Perrault: Petitioners request an Interim and Regular Variance from Condition No. 13 of Certificate of Registration No. APCD2019-PTO-003287. Petitioners seek relief from the annual operational limit for the diesel engine located at 3210 Oceanside Blvd. through 12/31/2021. The Petitioners business recycles broken slabs of asphalt and concrete into usable base materials.

Noting for the record that a verbal request for continuance was received from the Petitioner on October 27, 2021. During the meeting Petitioner 4523 decided not to pursue a continuance and instead proceed with the Interim Variance Hearing.

ACTION:

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

- Exhibit 1: PowerPoint Presentation

AYES: Gonzalez, Powers, Schlick, Spencer

ON MOTION of Member Powers, seconded by Member Spencer, 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. Specifically, because Petitioner failed to demonstrate the cause for non-compliance was beyond Petitioner’s reasonable control.

AYES: Gonzalez, Powers, Spencer

ABSTAIN: Schlick

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.