

**STATEMENT OF PROCEEDINGS**  
**SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD**  
**EMERGENCY VARIANCE HEARING**  
**Wednesday, November 3, 2021**  
**7:30 a.m.**

**ORDER OF BUSINESS**

**ROLL CALL**

Member(s) present: Ruth Vilmarie Rodriguez, Hearing Board Chair

Staff present: William Jacques, Chief of Departmental Operations - Compliance;  
Mary Mahoney, Civil Actions Investigator; Heather Magee-Hill, Civil  
Actions Investigator; Dawn Noble, APCD Hearing Board Clerk

Petitioner(s) present: 4524 – City of Oceanside Wastewater Treatment Plant:  
Lori Rigby Compliance Officer; Rudy Guzman, City of Oceanside  
Water Utilities Division Manager; Scott Spiegel, Chief Plant Operator  
San Luis Rey Facility; Dan Cotter, Operational Supervisor for San Luis  
Rey Water Reclamation Facility; Ryan Williams, Plant Maintenance  
Supervisor City of Oceanside; Ian McDermott, Operational Supervisor  
for San Luis Rey Water Reclamation Facility

**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.

**PETITION(S) BEFORE THE BOARD:**

**4524 City of Oceanside – Wastewater Treatment Plant**

Petitioner filed a request for an emergency variance, on November 1, 2021, from the conditions of permit APCD2006-PTO-920530, due to a breakdown of a blower associated with an air pollution control device at their wastewater treatment plant located at 3950 N. River Road in Oceanside, CA.

**ACTION:**

Noting for the record that the Petitioner requested District Rule 21, permit conditions 1, 2, 3, 5 and 7 be added to their Emergency Variance petition to prevent public nuisance. Petitioner stated this was because permit conditions 1 through 3 were added to their Notice of Violation from the APCD after permit condition 4 was originally the only permit condition from Rule 21 cited in the NOV.

ON MOTION of Chair Rodriguez, the APCD Hearing Board denied the addition of Rule 21, for permit conditions 1,2,3, 5 and 7 determining that the Petitioner should still be able to maintain their operations under these conditions.

**ACTION:**

ON MOTION of Chair Rodriguez, the APCD Hearing Board granted the request for an Emergency Variance, effective until the Interim Variance hearing date on November 18, 2021. The Emergency

Variance was granted for good cause based on the following:

- 1) Request for Emergency Variance meets Rule 98 conditions for breakdown
- 2) Petitioner is an essential public service for the City of Oceanside
- 3) Public health would be impacted if Emergency Variance was not granted
- 4) Petitioner has also filed an Interim and Regular Variance petition

Conditions to be met by Petitioner during the Emergency Variance period:

- 1) Petitioner needs to control excess odor and keep the aeration basin covered at all times.
- 2) Odor nuisances need to be reported by 4:00 p.m. daily to APCD Compliance.
- 3) Chemical usage will be maintained upstream of the scrubber to mitigate odors.
- 4) Petitioner will perform daily monitoring of hydrogen sulfide levels.
- 5) A report will be provided every Friday at noon to Mary Mahoney, Civil Actions Investigator: mary.mahoney@sdcounty.ca.gov The report must contain the following: Chemical usage status to control odor, odor nuisance reports, daily cumulative emissions of hydrogen sulfide and whether or not the aeration basin has been covered at all times and if not reasons as to why.
- 6) Maintenance procedures will be followed according to schedule.

Chair Rodriguez asked that APCD Compliance provide a report regarding if the conditions were met by Petitioner, at the end of the Emergency Variance period during the Hearing Board Meeting on November 18<sup>th</sup>. Chair Rodriguez also recommended that Petitioner create a timeline for the completion of the necessary repairs.

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**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.