

**STATEMENT OF PROCEEDINGS**  
**SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD**  
**Regular Meeting, Thursday, November 18, 2021**  
**9:00 a.m.**

**ORDER OF BUSINESS**

**ROLL CALL**

Members present: Ruth Vilmarie Rodriguez, Chair; Samantha Hurst; William Powers; Alison Schlick, Vice Chair (excused from meeting early)

Staff present: Heather Magee-Hill, Civil Actions Investigator; Mary Mahoney, Civil Actions Investigator; Scott Nestor, Civil Actions Investigator; Dan Plotner, Compliance Program Coordinator; Emily Helms, APCD Hearing Board Counsel; and Dawn Noble, APCD Hearing Board Clerk

Petitioner(s) present: Petition 4523 – Tom and Jerry Perrault: Paul Weir, Petitioner Representative  
Petitioner 4525 - 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; Ryan Williams, Plant Maintenance Supervisor City of  
Oceanside

**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 October 28, 2021.

**ACTION:**

ON MOTION of Member Hurst, seconded by Member Powers, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of October 28, 2021.

AYES: Hurst, Powers, Rodriguez

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

**ACTION:**

ON MOTION of Member Rodriguez, seconded by Member Hurst, the Air Pollution Control District Hearing Board approved the Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)

AYES: Hurst, Powers, Rodriguez

**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 request for withdrawal was received from the Petitioner on 11.11.21.

**ACTION:**

ON MOTION of Member Hurst, seconded by Member Powers the Air Pollution Control District Hearing Board approved the withdrawal of Petition 4523 – Tom and Jerry Perrault.

AYES: Hurst, Powers, Rodriguez

**4525 City of Oceanside – Wastewater Treatment Plant** Petitioner requests an Interim and Regular Variance from the conditions of permit APCD2006-PTO-920530 until November 18, 2022, 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:**

ON MOTION of Member Hurst, seconded by Member Powers, the Air Pollution Control District Hearing Board approved the following additional documents from the Air Pollution Control District for Petition 4525 to be considered:

- Exhibit B: District Opening Summary for Petition 4525 - PowerPoint Presentation

AYES: Hurst, Powers, Rodriguez

**ACTION:**

ON MOTION of Member Rodriguez, seconded by Member Hurst, the Hearing Board voted to grant Petitioner's request for an Interim Variance based on the following:

Interim Variance was granted for good cause based on the following:

- 1) Petitioner is an essential public service for the City of Oceanside
- 2) Petitioner has addressed the breakdown of equipment in a expedited manner
- 3) Petitioner met the conditions outlined in the Emergency Variance showing

good faith.

- 4) Petitioner has looked at options to implement permanent preventative actions to bring them back into compliance and avoid this issue in the future.

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

**A) Notify District** when the following milestones are achieved (by emailing Heather.Magee-Hill@sdapcd.org):

- 1) By 11/29/21, submit an application and fees to the District's Engineering Division to install a larger blower
- 2) New media and new blower are purchased
- 3) New media is received
- 4) Temporary repairs (new media and rebuilt blower) have been installed

**B) Without temporary repairs** operating continues with emergency variance conditions:

- 1) Keep aeration basin covered except during maintenance
- 2) Report any nuisance complaints by 4 p.m. daily
- 3) Monitor hydrogen sulfide daily (ppm)
- 4) Submit weekly report on above conditions
- 5) Follow maintenance procedures

**C) With temporary repairs** operating

- 1) Submit weekly report, by noon on Friday's, indicating the operational status of the temporary repairs (can combine with report required under Item B).
- 2) If temporary repairs are not working then return to the emergency variance conditions and notify the District within one day.

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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.