

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

**ORDER OF BUSINESS**

**ROLL CALL**

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

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

Petitioner(s) present: Petitioner 4525 - City of Oceanside Wastewater Treatment Plant:  
Lori Rigby Compliance Officer; Rudy Guzman, City of Oceanside Water Utilities Division Manager; Scott Speigel, 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 November 18, 2021.

**ACTION:**

ON MOTION of Member Powers, seconded by Member Hurst, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of November 18, 2021.

AYES: Hurst, Powers, Rodriguez, Schlick, Spencer

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

**ACTION:**

ON MOTION of Member Spencer, seconded by Member Schlick, 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, Schlick, Spencer

C. Approval of 2022 Hearing Board Meeting Calendar

**ACTION:**

ON MOTION of Member Powers, seconded by Member Hurst, the Air Pollution Control District Hearing Board approved the 2022 Hearing Board Meeting Calendar

AYES: Hurst, Powers, Rodriguez, Schlick, Spencer

**PUBLIC COMMUNICATION:**

No public testimony was given to the Board.

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

**4525 City of Oceanside – Wastewater Treatment Plant** Petitioner requests a 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 Schlick, seconded by Member Powers, the Air Pollution Control District Hearing Board approved the following additional documents from the City of Oceanside – Wastewater Treatment Plant for Petition 4525 to be considered:

- Exhibit A: Petition 4525 – City of Oceanside Variance Update PowerPoint Presentation

AYES: Hurst, Powers, Rodriguez, Schlick, Spencer

ON MOTION of Member Rodriguez, seconded by Member Spencer, 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 Updates for Petition 4525 - PowerPoint Presentation

AYES: Hurst, Powers, Rodriguez, Schlick, Spencer

**ACTION:**

ON MOTION of Member Rodriguez, seconded by Member Hurst, the Hearing Board voted to grant Petitioner’s request for a Variance for Condition #4 of the permit and only for the equipment associated with blower #1510.

AYES: Hurst, Powers, Rodriguez, Schlick, Spencer

**The Variance was granted based on the following findings:**

- 1) That the petitioner will not be able to meet condition #4 of the permit APCD2006-PTO-920530 for the equipment associated with blower #1510.
- 2) Petitioner is an essential public service for the City of Oceanside and cannot cease operations.
- 3) Petitioner has addressed the breakdown of equipment in an expedited manner and will keep the aeration basin covered except during maintenance.
- 4) Petitioner met the conditions outlined in the Emergency and Interim Variance showing good faith.
- 5) Petitioner has looked at options to implement permanent preventative actions to bring them back into compliance and avoid this issue in the future.
- 6) During the period the Variance is in effect, the petitioner will monitor or otherwise quantify emission levels from the source and report these emission levels to the District pursuant to a schedule established by the District.

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

- 1) Keep aeration basin covered except during maintenance.
- 2) Report any odor complaints by 4 p.m. daily.
- 3) The petitioner has 30 days post installation of the temporary repair blower, to test and run such blower and render it operational. During the period that the unit is operational the petitioner will contact the District by emailing: [Heather.Magee-Hill@sdapcd.org](mailto:Heather.Magee-Hill@sdapcd.org) to notify the District that the variance has ended otherwise it will end 30 days post installation, whichever is sooner.
- 4) Should the blower not be operational then the Petitioner can solicit the Clerk of the Board for a new hearing for a potential modification of this variance.
- 5) Petitioner is to submit a weekly report by emailing [Heather.Magee-Hill@sdapcd.org](mailto:Heather.Magee-Hill@sdapcd.org) by Friday at noon regarding conditions 1 and 2 and provide the operational status of the temporary 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.