

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
EMERGENCY VARIANCE HEARING
Thursday, February 4, 2022
3:00 p.m.

ORDER OF BUSINESS

ROLL CALL

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

Staff present: Scott Nester, APCD Civil Actions Investigator; and Marvice Mazyck, APCD Hearing Board Clerk

Petitioner(s) present: Encina Wastewater Authority (Petition 4522-22):
Alicia Appel, Encina Wastewater Authority Director Environmental Services; Octavio Navarrete, Encina Wastewater Authority Director of Operations; and Tucker Southern, Encina Wastewater Authority Director of Technical Services

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:

4522-22 Encina Wastewater Authority

Petitioner filed a request for an emergency variance, on February 2, 2022, from the conditions of permit APCD2011-PTO-001016, due to breakdown of biotower fan located at 6200 Avenida Encinas, Carlsbad, CA 92011.

ACTION:

ON MOTION of Chair Rodriguez, the Air Pollution Control District Hearing Board granted the request for Emergency Variance, effective until successful operation of the fan or March 5, 2022 - whichever comes first. The Emergency Variance was granted for good cause based on the following:

- 1) Petitioner is recognized as essential public service by the State of California Health and Safety Code.
- 2) Request for Emergency Variance meets Rule 98 conditions for breakdown.
- 3) Due to the cost of installation and availability of the fan, immediate compliance may be an unreasonable burden to Petitioner, and a new fan is required.
- 4) Petitioner is unable to curtail operations and public health would be impacted if an Emergency Variance was not granted.

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

- 1) Provide APCD Civil Action Investigator Scott Nester with weekly odor nuisance reports received from independent Encina Wastewater Authority complaint hotline as well as, the weekly odor reports conducted in the facility that include qualitative and quantitative measurements specific to hydrogen sulfide (H₂S) gas.

- 2) Provide APCD Civil Action Investigator Scott Nester with a report documenting a summary of all complaints and responses as well as, when the fan is installed and compliant operations are resumed, within 15 calendar days of the conclusion of the variance period.

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.