

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
Regular Meeting, Thursday, November 17, 2022
9:00 a.m.

ORDER OF BUSINESS

ROLL CALL

Members present: Vilmarie Rodriguez, Chair; Alison Schlick, Vice Chair, Jose Gonzalez, William Powers and Daniel Spencer

Members absent: N/A

Staff present: Julie Byford, APCD Civil Actions Investigator; Mary Mahoney, APCD Civil Actions Investigator; William Jacques, APCD Chief Departmental Operations Compliance; Greg Lusitana, Senior Deputy County Counsel APCD; Emily Helms, Senior Deputy County Counsel APCD; and Mia Ruffier, APCD Clerk of the Hearing Board

SWORN OATH OF WITNESSES BY CLERK

All witnesses providing public testimony during the meeting were sworn-in by the Clerk of the APCD Hearing Board.

ADMINISTRATIVE ITEM:

A. Public Communication

No public testimony was provided to the Board.

B. Approval of Statement of Proceedings for November 10, 2022.

ACTION:

ON MOTION of Vice Chair Schlick, seconded by Member Spencer, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of November 10, 2022 as amended.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

C. Progress Update for Petition 4527 San Diego County Air Pollution Control District, County of San Diego Abatement Order against Respondent NEW LEAF BIOFUEL.

ACTION:

ON MOTION Member Spencer, seconded by Vice Chair Schlick, the Air Pollution Control District Hearing Board accepted the District's Presentation as Exhibit A.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

ACTION:

ON MOTION Member Powers, seconded by Member Spencer, the Air Pollution Control District Hearing Board accepted the Respondent's Presentation as Exhibit B.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

ACTION:

ON MOTION Chair Rodriguez, seconded by Vice Chair Schlick, the Air Pollution Control District Hearing Board accepted the District's update and directed the Clerk to notice Petition 4527: San Diego County Air Pollution Control District, County of San Diego Abatement Order against Respondent NEW LEAF BIOFUEL for additional status updates during regularly scheduled meetings on December 8, 2022, January 26, 2023, February 23, 2023, and March 23, 2023 with the option for additional enforcement consideration.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

PETITION(S) BEFORE THE BOARD:

N/A

ADJOURNMENT:

The APCD Hearing Board adjourned the November 17, 2022 meeting at 10:46 a.m.

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.

The statements contained in this draft document are subject to change until they are approved in their final form by the Air Pollution Control District Hearing Board at a subsequent public meeting.

ADMINISTRATIVE ITEM:

A. Public Communication

ACTION:

No public testimony was provided to the Board.



MIA RUFFIER

Clerk of the San Diego County Air Pollution Control District Hearing Board

ADMINISTRATIVE ITEM:

B. Approval of Statement of Proceedings for November 10, 2022.

ACTION:

ON MOTION of Vice Chair Schlick, seconded by Member Spencer, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of November 10, 2022 as amended.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

Clerk of the San Diego County Air Pollution Control District Hearing Board

ADMINISTRATIVE ITEM:

- C. Progress Update for Petition 4527 San Diego County Air Pollution Control District, County of San Diego Abatement Order against Respondent NEW LEAF BIOFUEL.

ACTION:

ON MOTION Member Spencer, seconded by Vice Chair Schlick, the Air Pollution Control District Hearing Board accepted the District's Presentation as Exhibit A.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

ACTION:

ON MOTION Member Powers, seconded by Member Spencer, the Air Pollution Control District Hearing Board accepted the Respondent's Presentation as Exhibit B.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

ACTION:

ON MOTION Chair Rodriguez, seconded by Vice Chair Schlick, the Air Pollution Control District Hearing Board accepted the District's update and directed the Clerk to notice Petition 4527: San Diego County Air Pollution Control District, County of San Diego Abatement Order against Respondent NEW LEAF BIOFUEL for additional status updates during regularly scheduled meetings on December 8, 2022, January 26, 2023, February 23, 2023, and March 23, 2023 with the option for additional enforcement consideration.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

Clerk of the San Diego County Air Pollution Control District Hearing Board

Exhibit A



Stipulated Abatement Order Update

San Diego County Air Pollution Control District

Petition No. 4527

Special Hearing Board Meeting: November 17, 2022

2022



Stipulated Abatement Order (SAO) Update

1. Review of SAO Conditions & Compliance

2. Odor Mitigation Effectiveness: Complaints & District Investigations

3. Conclusion: Have the SAO Conditions Been Effective?



SAO Update

1. Review of SAO Conditions & Compliance

- Types of SAO Conditions/Milestones:
 - ORS Parts: Receipt & Installing
 - ORS Operation Deadline: 12/9/2022
 - Interim Odor Reduction Conditions: Mitigate odors without ORS
 - *Before* the ORS is operating and *Before* the Authority to Construct (ATC) is Effective
 - Conditions Applicable Before & After ORS operation
 - Conditions for Future Updates/Meetings
 - After the ORS is Operating - March 2023 Meeting
 - Before the ORS is Operating - Today's Meeting



SAO Update

1. Review of SAO Conditions: ORS Parts

- ORS Parts: Receipt & Installing: Notify the District when ORS parts are received and when construction is completed.
 - Ducting and hoods received 11/7/22: installation in-progress
 - Activated carbon received 11/10/22
 - Pre-filter housing & carbon vessels received 11/11/22: installation in-progress
 - Air louvers & dampers: installation next week
 - Motor for carbon filter received prior to the Order being in effect, electronics installed
 - Wiring & electrical installed as much as possible in advance of fan receipt
 - Main fan confirmed for 11/30/22 delivery
 - Fan is ready for dispatch on 11/22/22



SAO Update

1. Review of SAO Conditions: ORS Deadline

- ORS Operation Deadline:
 - Still expected on or before December 9, 2022, 5pm.



SAO Update

1. Review of SAO Conditions: Interim Odor Reduction Conditions

- Odor Management Program: Effective 10/27/22 until ORS operation on/before 12/9/22
 - Oil tanks, equipment, inspected 6x daily
 - Processing area, inspected 2x daily
 - Floors inspected 4x daily
 - Loading areas & pavement inspected for drips/spills every 3-4 hours



SAO Update

1. Review of SAO Conditions: Interim Odor Reduction Conditions

- Pavement & inside South Plant flooring & non-flooring inspections for drips/tracking/stains, oil accumulation 2x daily
- Spills, including water leaks inside the South Plant & at the loading area outside must be cleaned as soon as possible not to exceed 1 hour of being identified
- South Plant flooring and outside loading areas must be degreased, cleaned for oily residue 2x daily
- The pavement in front of the South Plant & inside non-floor surfaces must be cleaned for oily residue daily
- Oily rags must always be stored in closed, lined containers & emptied daily

* Cleaning must be performed whether or not any spills are identified



SAO Update

1. Review of SAO Conditions: Interim Odor Reduction Conditions

- Effective 10/27/22 and *Before* the ATC is Effective

- The metal roll-up doors shall remain closed at all times, except when materials are entering or exiting the building. The roll-up doors shall never be open during the screening process & when large items are removed from screens.
- All materials removed from the screens shall be stored in closed containers
- All other doors or points of entry at the South Plant shall remain closed at all times during processing, except for momentary entering or exiting
- Where equipped, process covers, with the exception of access hatches, shall be in place at all times, except during maintenance
- All materials containing volatile organic compounds, or odorous compounds must be stored in closed containers
- Containers or tanks storing used cooking oil must be free from leaks and shall remain covered, except when adding or removing materials or for cleaning



SAO Update

1. Review of SAO Conditions: Interim Odor Reduction Conditions

- Transferring of used cooking oil into storage containers or tanks must only be conducted per the facility Operation & Maintenance Manual and with manufacturer's instructions. No used cooking oil leakage is allowed from ducting, equipment, or storage facilities during processing, unloading into tanks or charging to trucks or the plant



SAO Update

1. Review of SAO Conditions: Conditions Applicable Before & After ORS Operation

- Respondent to notify board if any condition of this Order can not be met
- Respondent to Notify the District of all Odor Complaints Received directly by New Leaf Biofuel
 - No odor complaints were reported to New Leaf
 - Respondent to notify appropriate District contacts



SAO Update

1. Review of SAO Conditions: Conditions For Future Updates/Meetings

- Respondent & District to return to update & have Board take action, to vacate, or modify the Order in March 2023
 - March 9, 2023, or March 23, 2023, hearing date
- District Update On Effectiveness of Interim Odor Mitigation
 - Today's Special Hearing



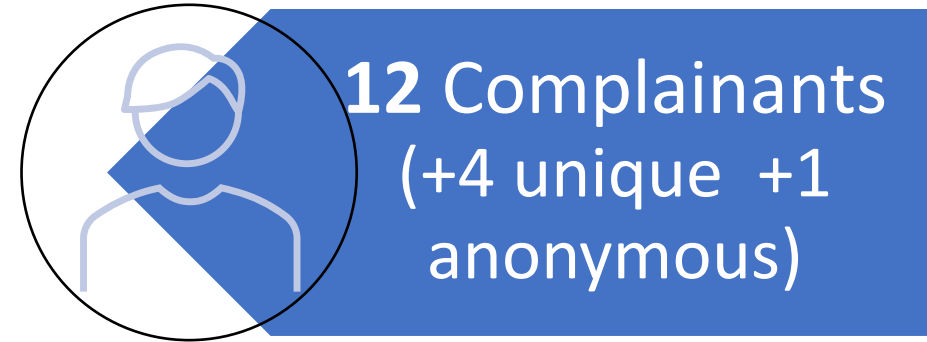
SAO Update

2. Complaints

Pre SAO (11/23/21-10/26/22)



After SAO (10/27-11/16/22)



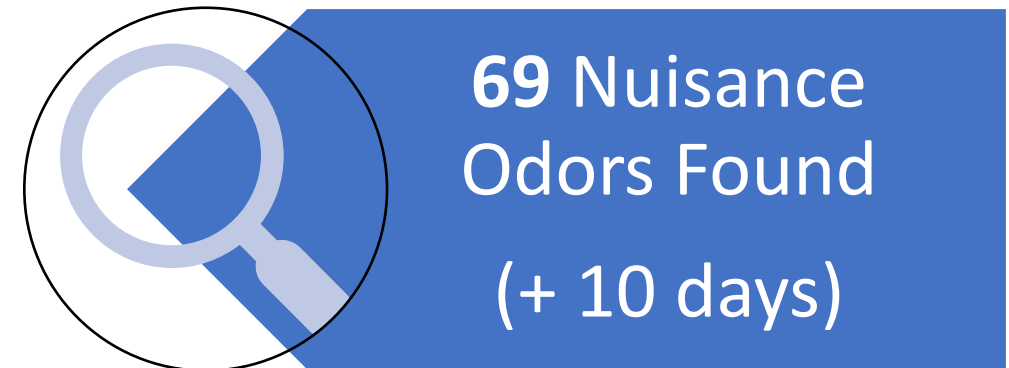
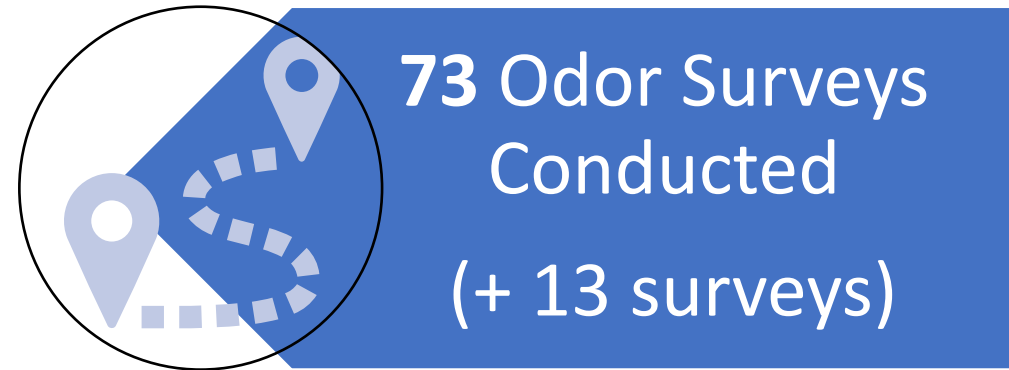
SAO Update

2. Odor Surveys

Pre SAO (11/23/21-10/26/22)



After SAO (10/27-11/15/22)



SAO Update

2. Odor Surveys

- Temperature and Odor Survey Results:
 - No correlation between hot weather & odor intensity
 - Temperatures between 48-93°F from 11/2021-11/15/22
 - *Resident discomfort increases with heat*
 - San Diego extended weather forecast: 11/17-11/30/22
 - High Temperature of 74°F



SAO Update

2. Odor Surveys

- The District Conducted Three Onsite Facility Inspections:
 - Friday, November 4, 2022: No violations of the Stipulated Abatement Order
 - Monday, November 7, 2022: No violations of the Stipulated Abatement Order
 - Thursday, November 10, 2022: No violations of the Stipulated Abatement Order



SAO Update

3. Conclusion: Have the SAO Conditions Been Effective?

Pre SAO (11/23/21-10/19/22)

Odor Classification	No.	%
No Odor	1	0.8
Very Faint	0	0.0
Faint	23	19.5
Distinct	42	35.6
Strong	39	33.1
Very Strong	13	11.0
Total:	118	100%

After SAO (10/27-11/16/22)

Odor Classification	No.	%
No Odor	4	14.3
Very Faint	3	10.7
Faint	4	14.3
Distinct	6	21.4
Strong	9	32.1
Very Strong	2	7.2
Total:	28	100%

SAO Update

3. Conclusion: Have the SAO Conditions Been Effective?

- Recent Impacts on the Community:
 - Three more weeks of nuisance odors
 - Complainants describe the following:
 - October 27, 2022: “Bad Odor”
 - November 1, 2022: “Smell Very Bad”
 - November 2, 2022: Area visitor reported that “...odor from New Leaf is very strong”
 - November 9, 2022: “Bad smell and odor from the New Leaf area”
 - November 9, 2022: “Strong, nasty smell”
 - November 9, 2022: Resident reported that the smell is so bad that they cannot eat their food
 - November 10, 2022: “Strong odor coming from New Leaf Biofuel”
 - November 16, 2022: “A very strong odor was coming from the source and the air quality was horrible”
 - November 16, 2022: “Horrible smell...”



3. Conclusion: Have the SAO Conditions Been Effective?

- Odors persist
- Ten (10) extra odor nuisance days now documented
 - Fourth Notice of Violation (APCD2022-NOV-000932) issued for nuisance odors on 11/16/22
- The District anticipates that New Leaf Biofuel will offer additional measures today to further reduce nuisance odors
- Absent of curtailment of New Leaf Biofuel's operation, the District anticipates that nuisance odors will remain, until the ORS is operating.





Stipulated Abatement Order Update on Effectiveness

San Diego County Air Pollution Control District

Mary P. Mahoney
Civil Actions Investigator

2022





Exhibit B

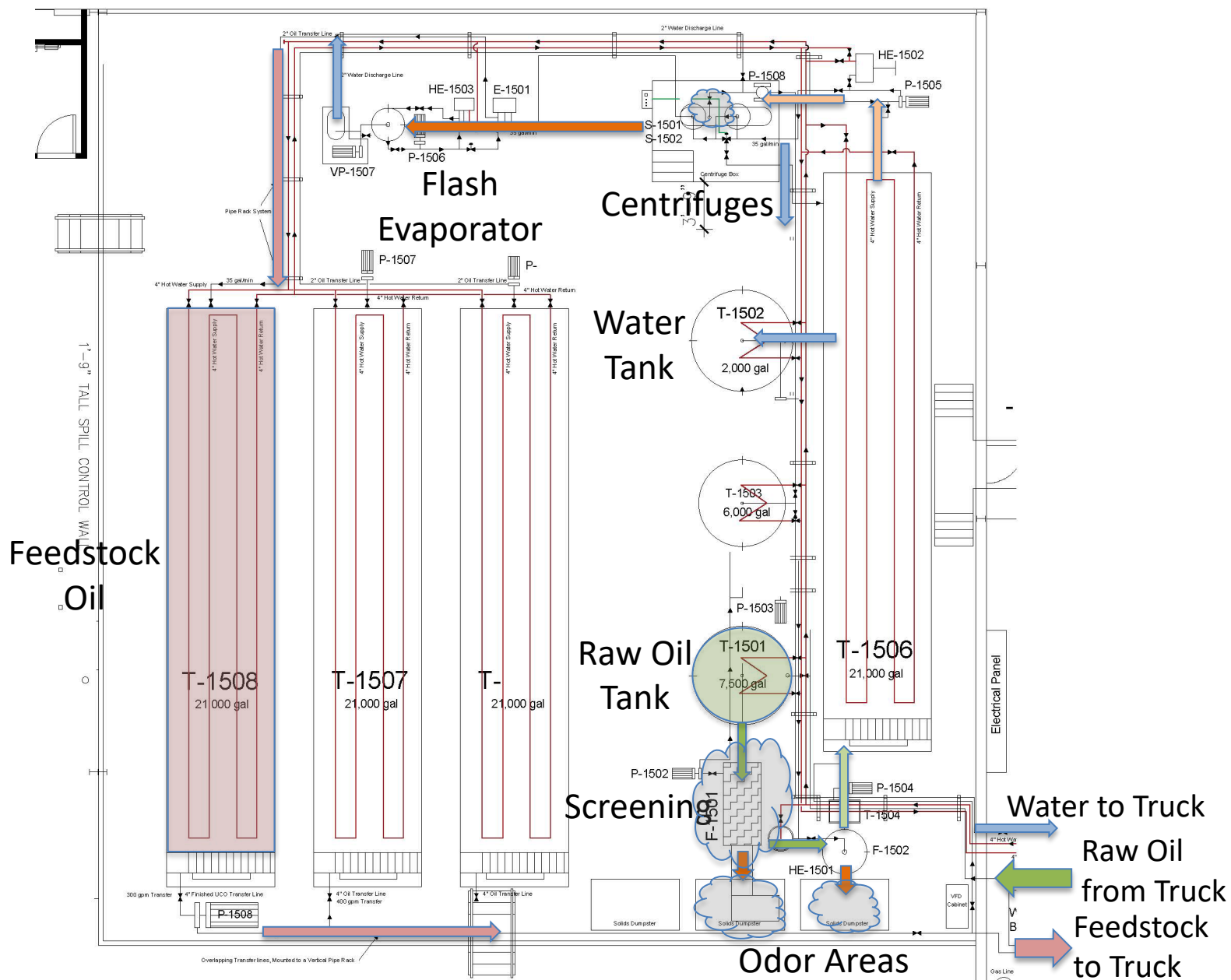


Odor Improvement Actions

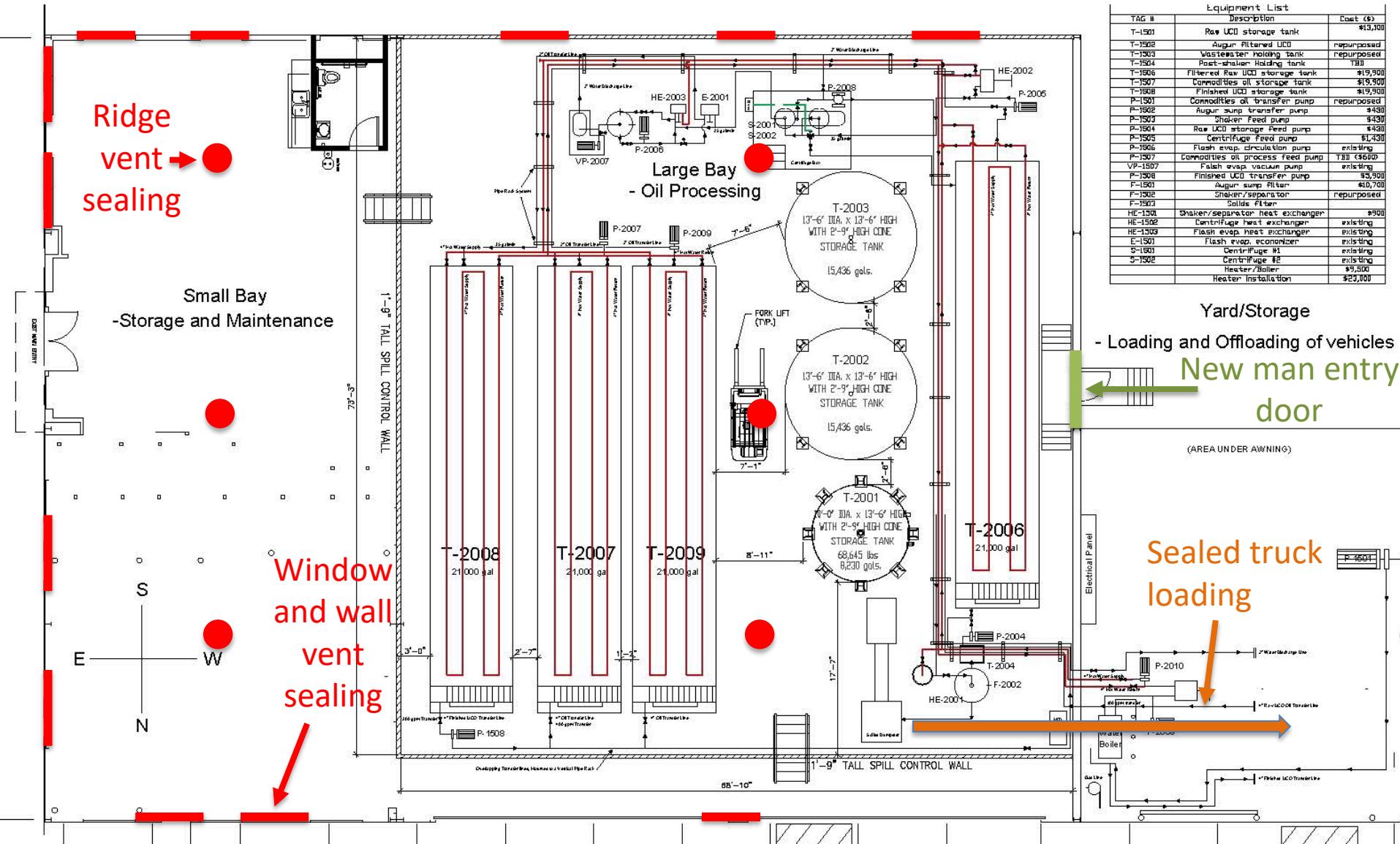
- New Leaf Biofuel is in the business of upcycling a waste product— used cooking oil - into biodiesel, a renewable and sustainable diesel alternative fuel that is non-toxic and biodegradable.
- This fuel emits over 80% less carbon emissions than petroleum diesel, and also reduces unburned hydrocarbons, particulate matter, and other emissions tied to asthma and cancer.
- Since the company started, we have displaced over 30 million gallons of petroleum diesel in our region.
- We are a family-owned business, founded by female entrepreneurs, graduates of UCSD.

- Prior to December 2021, New Leaf had never received an odor complaint from a neighbor, despite ongoing communication about other neighborhood issues.
- In December 2021, we were made aware by APCD that neighbors were complaining about the smell from our cooking oil processing facility.
- New Leaf spoke directly to a few neighbors and began developing a plan to address their concerns.
- After being issued initial odor-related NOV's, NLB tried but was prohibited by APCD from quickly installing odor reduction equipment without going through the entire permitting process.
- With an authority to construct now in hand, NLB has been expeditiously working to install odor reduction equipment.

- Overview of main process elements and potential odor causes.
- Progression of activities.
- Compliance with Order conditions.
- System installation progress.
- Additional measures taken to reduce odors.



- Sealing wall openings
- Sealing roof vents
- Adding new man door
- Piping transfer material
- Testing of various odor control equipment options



- New Leaf initial attempted to use the existing air circulation network with odor control material (Ecosorb) specifically formulated for cooking oil odors.
- Use of internal misting sprays.
- Widely used and permitted for landfills, sewage treatment, rendering but not able to provide the quantitative reduction evidence required by APCD for NLB.
- Made to bind and modify odor agents with mild chemicals and or sorbents. Most have domestic use formulations.



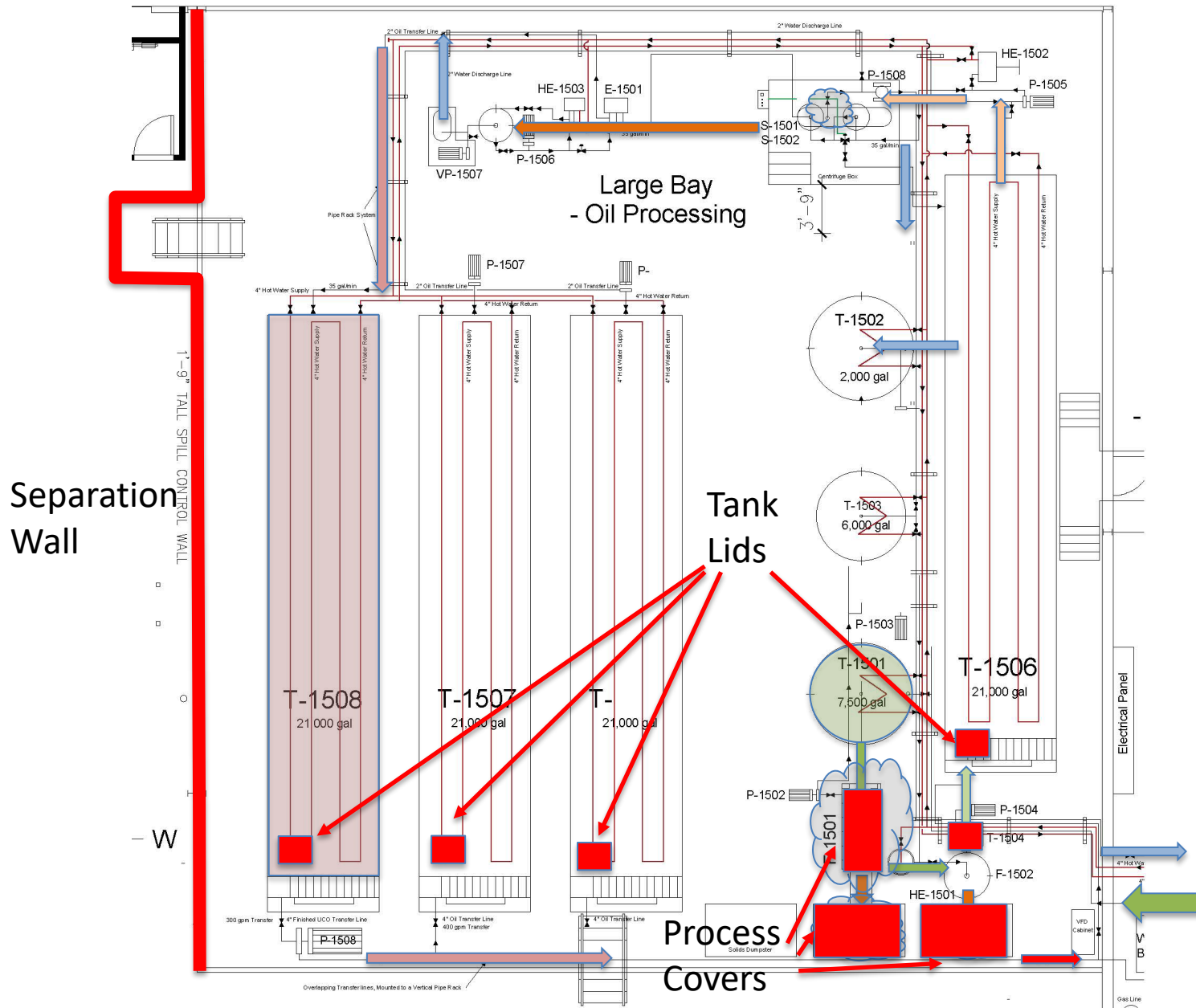
OdorZorb Odor Neutralizer

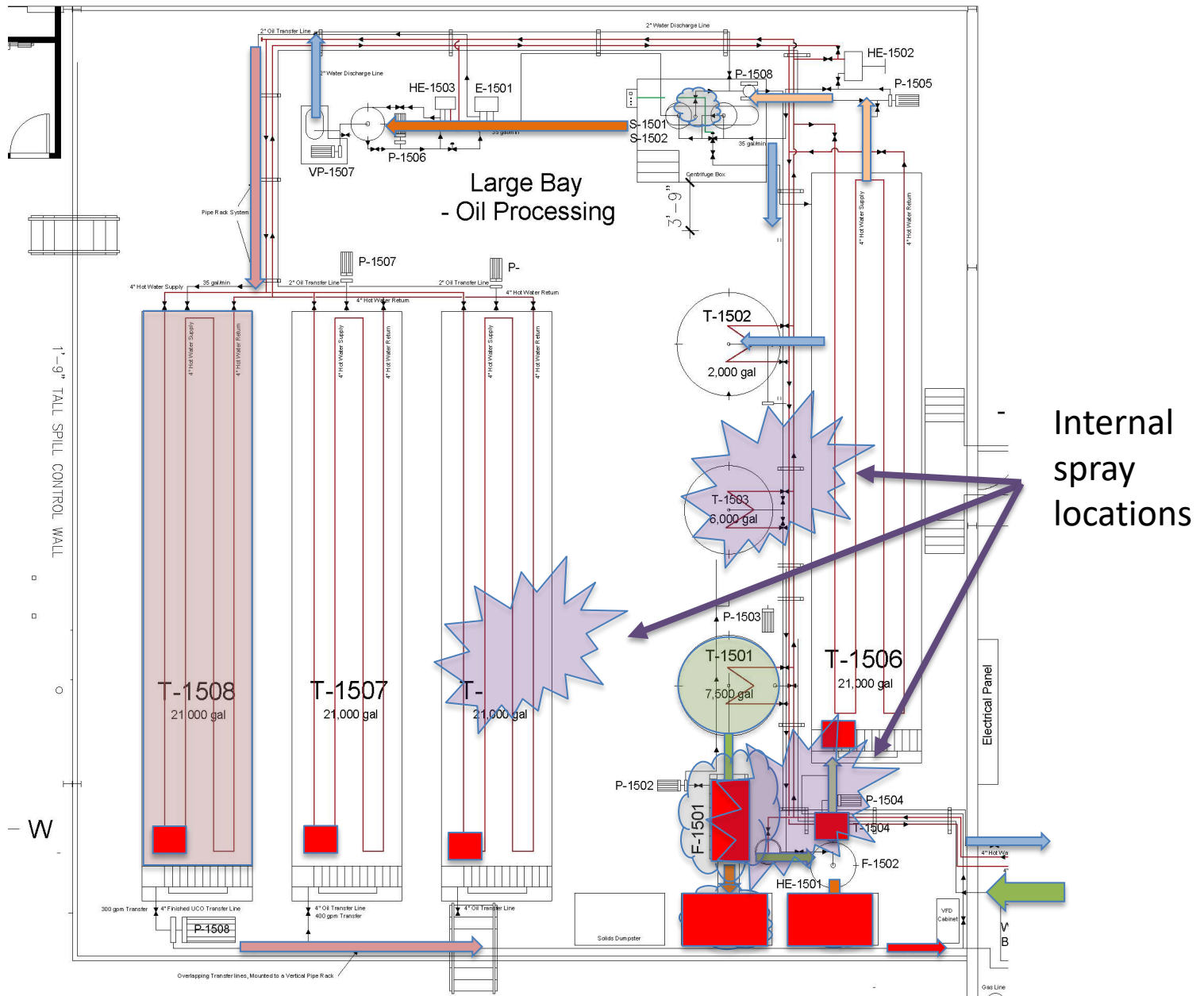


Installed but not used

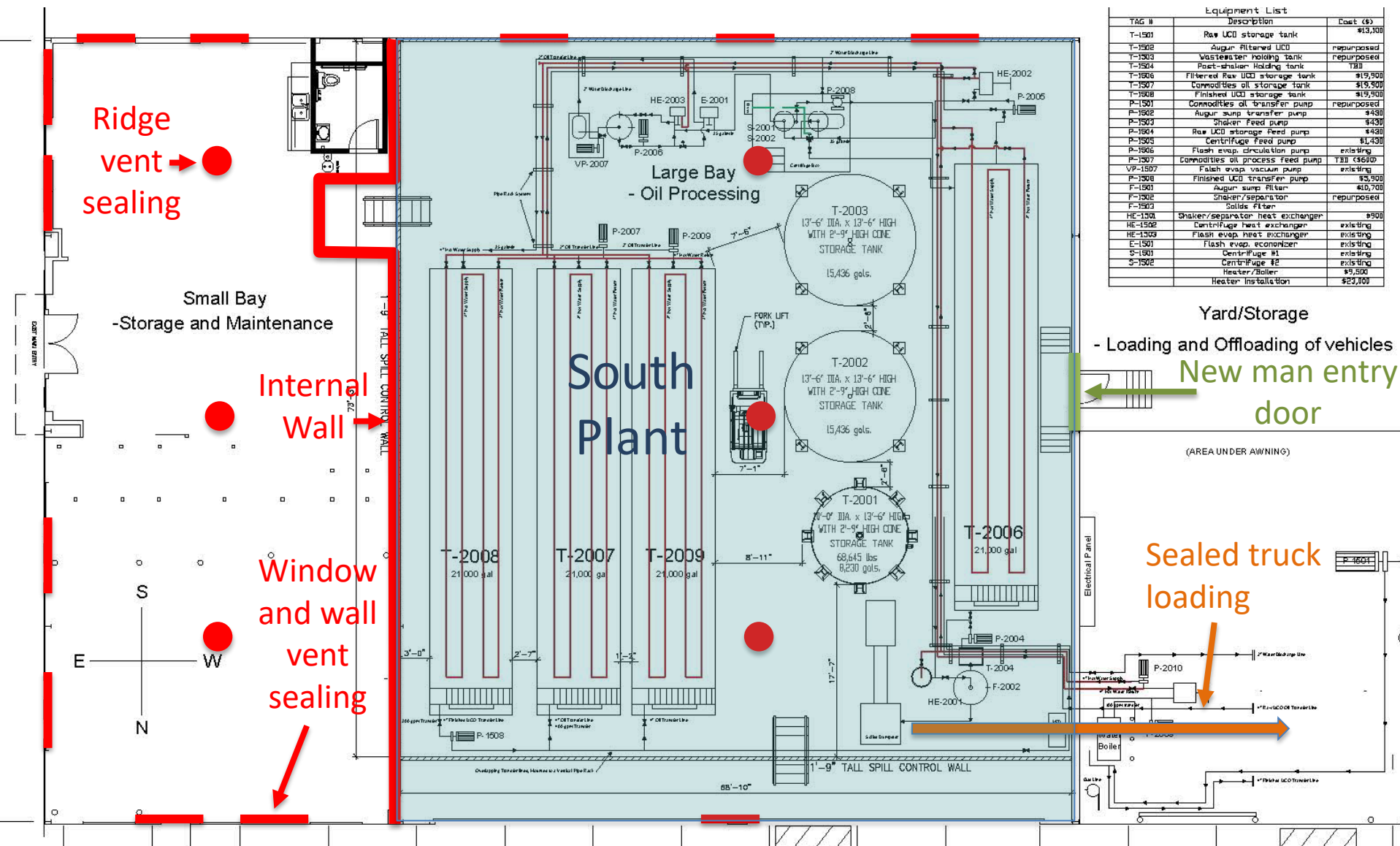


- Closing all tank openings.
- Installing lids on screener.
- Installing lids on solids tanks.
- Adding a separation wall between processing plant and storage warehouse





- Sprays reduced odor intensity in the processing building.
- APCD's determined at the time that they required permitting
- Internals sprays stopped.
- On NLB request APCD now allow sprays to be used in the interim.





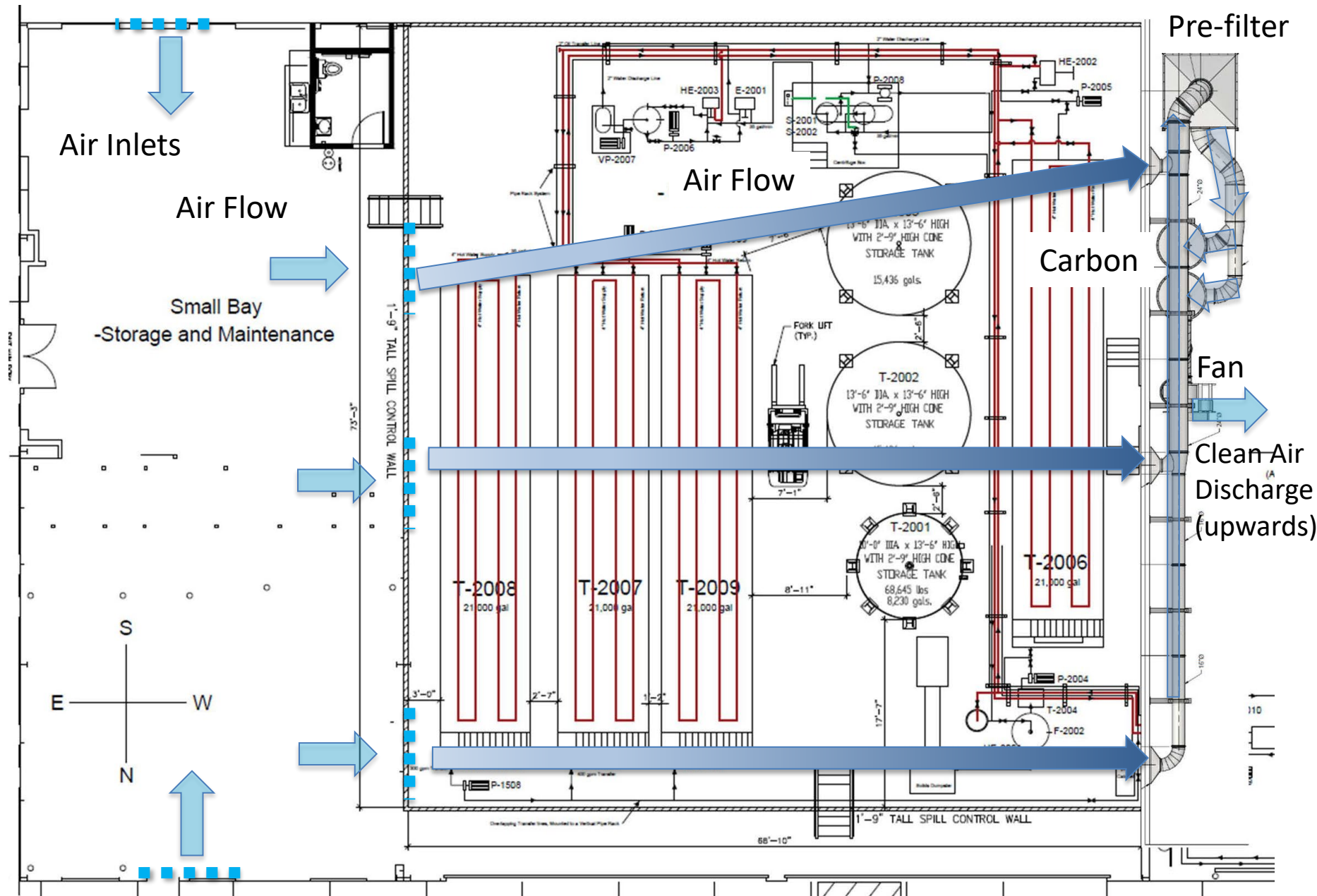
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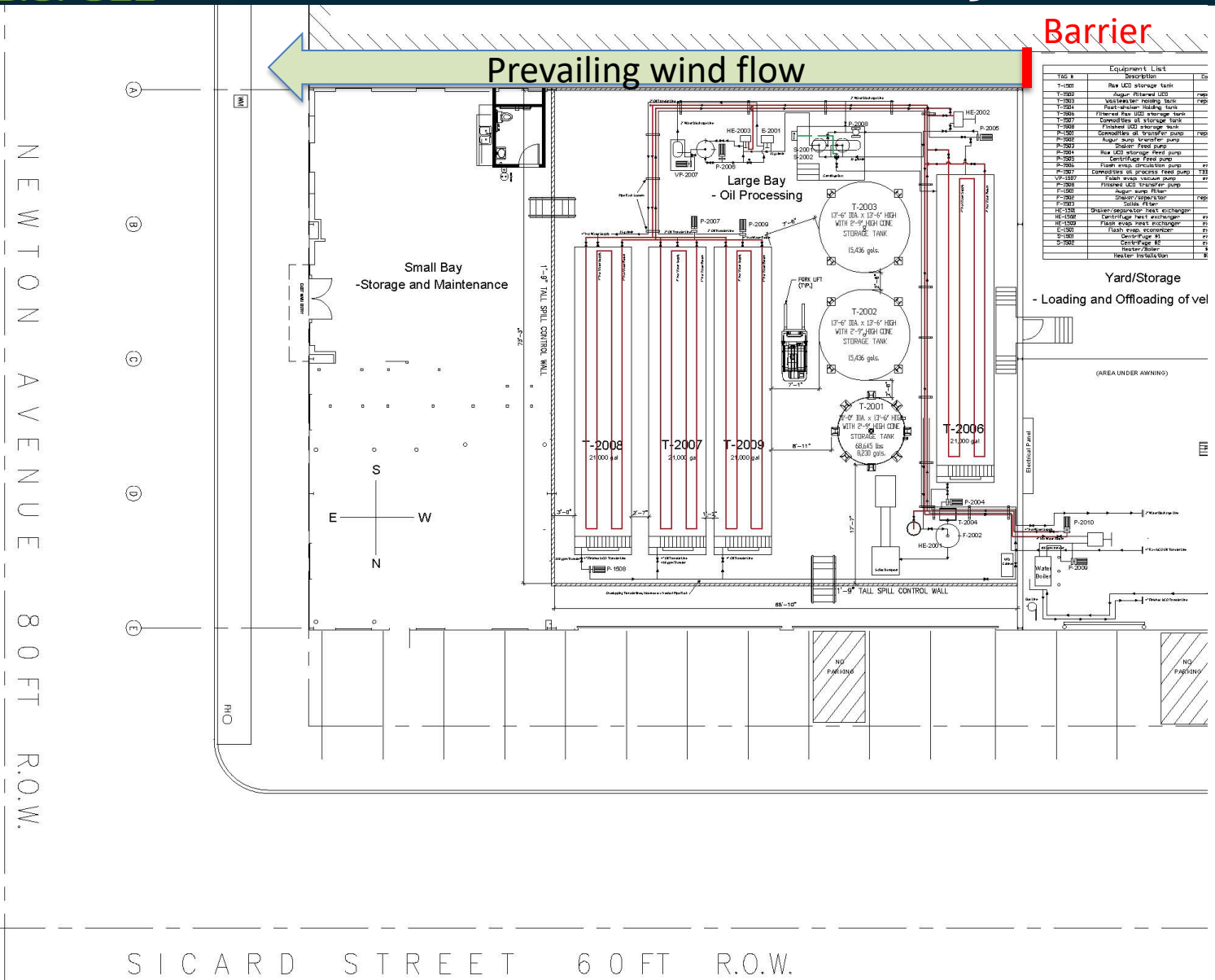
- Installation to fan ready stage is complete.



Carbon Filter Operation



- In the week of 10/31/22, unidentified individuals came onto NLB property shouting NLB was “in violation” due an open door on warehouse that is not part of the processing facility. That incident was reported to APCD within two hours.
- Warehouse doors to Newton Ave screwed closed.
- Reduced processing hours for initial raw screening (only 12 hours/day).
- All Newton Ave and alley walls rechecked and any potential leaks foam sealed (11/16/22).
- Localized odor agent spraying is now allowed per APCD staff. The spray system will be in 11/18/22.
- Temporary wind break/barrier in south alley will be installed this week (11/18/22) (APCD staff have notified this may be a significant odor source).





Questions

Administrative Item C – Public Speakers

C.	PROGRESS UPDATE PETITION 4527		
		Lyndsey	Winn
		Peter	Colon
		Maritza	Garcia
		Brenda	Menchaca
		Nicholas	Paul
		Chris	Duggan