

**STATEMENT OF PROCEEDINGS**  
**SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD**  
**Regular Meeting, Thursday, December 08, 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. Steve Engleman

Members absent: N/A

Staff present: Mary Mahoney, APCD Civil Actions Investigator; Scott Nester, APCD Civil Actions Investigator; William Jacques, APCD Chief Departmental Operations Compliance; Veera Tyagi, 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 October 27, 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 October 27, 2022.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

**C. Approval of Statement of Proceedings for November 17, 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 17, 2022.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

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

**ACTION:**

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

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

- E. Discussion: Revised Hearing Board Rules of Procedure.

**ACTION:**

ON MOTION of Vice Chair Schlick, seconded by Chair Rodriguez, the Air Pollution Control District Hearing Board continued the discussion for January 12, 2023.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

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

- 4530 County of San Diego Department of Public Works – Palomar Airport Landfill –**  
Petitioner requests the Interim portion of an Interim/Regular Variance (filed on November 10, 2022) from Conditions 7 and 8 of permit APCD1998-PTO-910733 and Rule 59(c)(3), due to damaged components in the LFG Collection and Control System equipment associated with the Inactive Municipal Solid Waste Landfill (Palomar Airport Landfill) located at 2016 Palomar Airport Road, Carlsbad, CA 92008.

**ACTION:**

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

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

**ACTION:**

ON MOTION Vice Chair Schlick, seconded by Chair Rodriguez, the Air Pollution Control District Hearing Board granted Petitioner's request for an Interim Variance.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

**4527 San Diego County Air Pollution Control District, County of San Diego Abatement Order against Respondent NEW LEAF BIOFUEL.**

**ACTION:**

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

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

**ACTION:**

ON MOTION Chair Rodriguez, 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 of Chair Rodriguez, seconded by Vice Chair Schlick, the Air Pollution Control District Hearing Board accepted the District's update. The next update for Petition 4527: San Diego County Air Pollution Control District, County of San Diego Abatement Order against Respondent NEW LEAF BIOFUEL will be during regularly scheduled meeting, January 26, 2023 with the option for additional enforcement consideration.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

**ADJOURNMENT:**

The APCD Hearing Board adjourned the December 08, 2022 meeting at 11:26 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 October 27, 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 October 27, 2022.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

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

**ADMINISTRATIVE ITEM:**

C. Approval of Statement of Proceedings for November 17, 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 17, 2022.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

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

**ADMINISTRATIVE ITEM:**

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

**ACTION:**

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

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

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

**RESOLUTION AUTHORIZING CONTINUANCE OF TELECONFERENCED PUBLIC MEETINGS  
PURSUANT TO GOVERNMENT CODE SECTION 54953**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared a Public Health Emergency of International Concern as a result of the COVID-19 virus. On January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency of the COVID-19 virus; and

WHEREAS, on February 14, 2020, the San Diego County Health Officer declared a Local Health Emergency as a result of the COVID-19 virus, which was subsequently ratified by the Board of Supervisors on February 19, 2020; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency ("State of Emergency") pursuant to section 8625 of the California Emergency Services Act, in response to the COVID-19 pandemic; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 which provides that a legislative body subject to the Brown Act may use revised teleconference rules provided under section 53593(e) if the legislative body makes certain findings and those findings are reconsidered every thirty (30) days, as applicable; and,

WHEREAS, on September 20, 2021, Governor Newsom issued Executive Order N-15-21 that suspended AB 361 through September 30, 2021; and,

WHEREAS, the proclaimed State of Emergency remains in effect; and,

WHEREAS, the California Occupational Safety and Health Standards Board adopted California Code of Regulations, Title 8, Section 3205 which states, "particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination;" and



WHEREAS, on or about September 23, 2021, Dr. Wilma Wooten, the County of San Diego's Public Health Officer issued a letter recommending the utilization of teleconferencing options for public meetings as an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 virus (the "Teleconferencing Recommendation"); and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, this legislative body deems it necessary to take action for purposes of utilizing the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, BE IT RESOLVED, by the San Diego County Air Pollution Control District Hearing Board (Board) as follows:

1. The recitals set forth above are true and correct and form the basis for the finding of this Resolution.
2. On December 08, 2022, this legislative body found that there is an existing proclaimed State of Emergency and state and local officials have imposed or recommended measures to promote social distancing, including but not limited to the Teleconferencing Recommendation.
3. This legislative body has reconsidered the circumstances of the circumstances of the State of Emergency and state or local officials continue to impose or recommend measures to promote social distancing.
4. In order to satisfy the requirements of Section 54953(e)(3) of the Brown Act, which allows local legislative bodies to continue utilizing simplified teleconferencing options under the Brown Act if certain findings are made no later than thirty (30) days after such simplified teleconferencing options are first used, Board staff is directed to return no later than thirty (30) days after the adoption of this Resolution with an item for this legislative body's reconsideration of these findings.
5. Board staff is directed to take any other necessary or appropriate actions to implement the intent and purposes of this Resolution.
6. This finding is intended to apply to all of the legislative body subcommittees this legislative body has created.
7. This Resolution shall take effect immediately upon its adoption.

ON MOTION of Member Spencer, seconded by Member Powers, the above Resolution was passed and adopted by the San Diego County Air Pollution Control District Hearing Board, on this 8<sup>th</sup> day of December 2022, by the following vote:

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

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

Meeting Date: 12/08/2022 (D)

**ADMINISTRATIVE ITEM:**

E. Discussion: Revised Hearing Board Rules of Procedure

**ACTION:**

ON MOTION of Vice Chair Schlick, seconded by Chair Rodriguez, the Air Pollution Control District Hearing Board continued the discussion for January 12, 2023.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

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

**SAN DIEGO COUNTY  
AIR POLLUTION CONTROL DISTRICT HEARING BOARD  
BOARD ORDER**

**4530 County of San Diego Department of Public Works – Palomar Airport Landfill –** Petitioner requests the Interim portion of an Interim/Regular Variance (filed on November 10, 2022) from Conditions 7 and 8 of permit APCD1998-PTO-910733 and Rule 59(c)(3), due to damaged components in the LFG Collection and Control System equipment associated with the Inactive Municipal Solid Waste Landfill (Palomar Airport Landfill) located at 2016 Palomar Airport Road, Carlsbad, CA 92008.

Notice of time and place of hearing was given as required by law.

**ACTION:**

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

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

**ACTION:**

ON MOTION of Vice Chair Schlick, seconded by Chair Rodriguez, the Air Pollution Control District Hearing Board closed the hearing and made the following findings:

The Petitioner is in violation of District Rules 59(d)(ii)(a) and 59(d)(3), as it relates to Condition No. and 8 of Permit to Operate APCD1998-PTO-910733. The Board has determined that Petitioner meets the definition of essential public service per California Health and Safety Code and requiring immediate compliance would impose an unreasonable burden upon the Department of Public Works (DPW). The DPW is responsible for all aspects of emissions monitoring and maintenance of a closed landfill. Good cause for granting the Variance include:

- Petitioner has made an expeditious effort in achieving compliance and addressing the event as soon as it was identified. If the Variance were denied, the current emissions would not be addressed, the DPW could not reestablish compliance, and operators and businesses in the immediate vicinity could also be impacted.
- By granting the Variance the Board is allowing Petitioner to find the cause of the Oxygen intrusion allowing Petitioner an effective mitigation strategy and project execution.
- Petitioner will provide weekly progress summary to the APCD.
- Petitioner is actively engaged with neighboring businesses by offering and providing portable gas monitors and negotiated with the Federal Aviation Administration (FAA) representatives to perform work during the day for effectiveness in addressing discovery and root cause.

Based on testimony provided and evidence submitted, the Board made a finding of good cause and granted the Petitioner's request for an Interim Variance to begin December 08, 2022, and to expire on January 12, 2023, with the following conditions:

- A. Petitioner shall perform daily monitoring for LFG O<sub>2</sub> concentration at the flare station.
- B. Petitioner shall perform daily surface emissions monitoring in the area(s) of excavation during any excavation and repair.
- C. Petitioner shall perform daily leak monitoring on GCCS components affected when the GCCS is shut off during any excavation and/or repair.
- D. Petitioner shall submit Weekly Reports that include the following:
  - 1. Planned schedule for excavation and potholing events for the following week.
  - 2. Description of all diagnostics, excavation, and repair activities.
  - 3. Measurements recorded during monitoring of A, B, and C, as described above.
  - 4. Measurements in units as provided in the Permit to Operate APCD1998-PTO-910733 and repair format as indicated in the Emergency Variance Petition No. 4528 and including reporting format as provided for Emergency Variance Petition No. 4528.
- E. Petitioner shall submit Weekly Reports every Wednesday by 4:00 PM to [Scott.Nester@sdapcd.org](mailto:Scott.Nester@sdapcd.org).
- F. Petitioner shall notify the District within 24 hours when repairs have been completed and compliance is achieved.
- G. The Interim Variance shall terminate when compliance is achieved, or on the day of the Hearing for the Regular Variance, whichever is sooner.
- H. Prior to the hearing for the Regular Variance, Petitioner shall provide the Clerk and the District with additional information to support the request for relief lasting until November 10, 2023.

#### **ADDITIONAL ENFORCEMENT CONDITIONS**

After a thorough investigation of all relevant facts, including public comments, it was determined that the schedule for compliance set forth in the Order is as expeditious as practicable, that the terms of this Order comply with applicable sections of the State Health and Safety Code and that the following additional provisions shall apply:

- 1. If you believe that you cannot meet a condition in this Order or in any accompanying Schedule of Increments of Progress, you may petition the Hearing Board to modify this Order or Schedule of Increments of Progress pursuant to Health & Safety Code 40825, 40826, 42351.5, and 42356-42357. Modifying the Increments of Progress generally requires the same notice as a 90-day variance and extending the final compliance date requires the same notice as a regular variance; please consult the Hearing Board Calendar or Clerk for specific dates.
- 2. If you have any questions about how to comply with this Order, you may contact the District, attention Scott Nester, at (858) 945-1753. Unless otherwise stated, all submittals to the District pursuant to this Order shall be made to: San Diego Air Pollution Control

District, Compliance Division, 10124 Old Grove Road, San Diego, CA 92131; or Email: [scott.nester@sdapcd.org](mailto:scott.nester@sdapcd.org).

3. The U.S. Environmental Protection Agency (EPA) does not recognize variances granted under California state law. A Variance Order granted by this Board does not preclude either the EPA or citizens from seeking penalties for violations of federal law.
4. Failure to comply with any condition in this Order or in any accompanying Increments of Progress schedule may result in any of the following actions:
  - a. Enforcement pursuant to California Health and Safety Code Section 42400, 42401, 42402 or 42403, including possible judicial action for an injunction and/or civil penalties, and, in appropriate cases, criminal prosecution.
  - b. Revocation or modification of this Order under California Health and Safety Code Section 42356 or 42362, after notice and opportunity for a public hearing.

**FAILURE TO COMPLY** with any of the foregoing is a violation of this Order.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

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

# Petition No. 4530, Interim Variance

---

County of San Diego Department of Public Works  
Palomar Airport Landfill, APCD1998-PTO-910733

Hearing Board Meeting  
December 8, 2022





Palomar Airport Landfills



# Palomar Airport Landfill

---

- Inactive landfill
- Gas collection system & flare
- APCD permit and regulatory requirements
  - Emission limit for surface emissions
  - Emission limit for gas collection system leaks
  - Landfill gas O<sub>2</sub> concentration to assure integrity of gas collection system

# Emergency Variance

---

- October 17, 2022: Breakdown report: excessive O<sub>2</sub> in collected landfill gas
- October 21, 2022: Emergency Variance granted to facilitate repairs
- October – November: “potholing” to locate damaged underground components

# Petition 4530 – Interim & Regular Variance

---

- Relief requested from
  - PTO Condition #7 – surface gas emission limit 500 ppmv
  - PTO Condition #8 – 3.5% O<sub>2</sub> limit in LFG to assure no upstream leaks in gas collection system
  - Rule 59(d)(1)(ii)(A) – same as PTO Condition #7
  - Rule 59(d)(3) – 1375 ppmv emission limit for leaks from gas collection system
  - Rule 59(e)(3) – Requires gas collection system leak checks. [Withdrawn by Petitioner](#)
- Relief requested until November 10, 2023, if replacement of system is required

# District Response

FINDING	DISTRICT COMMENTS
A. Petitioner is or will be in violation	<ul style="list-style-type: none"> <li>District agrees</li> </ul>
B. Compliance is beyond petitioner's reasonable control, and would result in unreasonable taking of property or closure of lawful business	<ul style="list-style-type: none"> <li>District agrees, but wants to see steady progress toward compliance</li> </ul>
C. Closure or taking produces no corresponding reduction in emissions	<ul style="list-style-type: none"> <li>District agrees.</li> <li>Shutdown of gas collection/control system would be counterproductive.</li> </ul>
D. Petitioner has considered curtailing operations	<ul style="list-style-type: none"> <li>District agrees</li> </ul>
E. Petitioner will reduce excess emissions to the maximum extent feasible	<ul style="list-style-type: none"> <li>District recommends operation of gas collection/control system to reduce emissions</li> </ul>
F. Petitioner will monitor/quantify emissions; emissions are not likely to cause nuisance or threat to public health/safety	<ul style="list-style-type: none"> <li>District recommends monitoring protocol to reduce potential for nuisance</li> </ul>

# District Position

---

- Not opposed to Interim Variance for PTO Condition #8
- Not opposed to Interim Variance during excavation/repair for PTO Condition #7, Rule 59(d)(1)(ii)(A), 59(d)(3)
- Steady progress toward compliance

# District Recommendations

---

- Daily monitoring for LFG O<sub>2</sub>
- Daily monitoring for surface emissions, leaks from gas collection system - during repair/excavation
- Weekly reports & potholing schedule
- Notify the District within 24 hours when repairs are completed & compliance is achieved
- Interim Variance terminates when compliance is achieved
- Provide more info to justify Regular Variance until November 2023

**SAN DIEGO COUNTY  
AIR POLLUTION CONTROL DISTRICT HEARING BOARD  
BOARD ORDER**

**4527 San Diego County Air Pollution Control District, County of San Diego Abatement Order against Respondent NEW LEAF BIOFUEL.**

**ACTION:**

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

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer

**ACTION:**

ON MOTION Chair Rodriguez, 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 of Chair Rodriguez, seconded by Vice Chair Schlick, the Air Pollution Control District Hearing Board accepted the District's update. The next update for Petition 4527: San Diego County Air Pollution Control District, County of San Diego Abatement Order against Respondent NEW LEAF BIOFUEL will be during regularly scheduled meeting, January 26, 2023 with the option for additional enforcement consideration.

**ADDITIONAL ENFORCEMENT CONDITIONS**

After a thorough investigation of all relevant facts, including public comments, it was determined that the schedule for compliance set forth in the Order is as expeditious as practicable, that the terms of this Order comply with applicable sections of the State Health and Safety Code and that the following additional provisions shall apply:

1. If you believe that you cannot meet a condition in this Order or in any accompanying Schedule of Increments of Progress, you may petition the Hearing Board to modify this Order or Schedule of Increments of Progress pursuant to Health & Safety Code 40825, 40826, 42351.5, and 42356-42357. Modifying the Increments of Progress generally requires the same notice as a 90-day variance and extending the final compliance date requires the same notice as a regular variance; please consult the Hearing Board Calendar or Clerk for specific dates.
2. If you have any questions about how to comply with this Order, you may contact the District, attention Mary Mahoney, at (858) 248-5810. Unless otherwise stated, all submittals to the District pursuant to this Order shall be made to: San Diego Air Pollution

---

Control District, Compliance Division, 10124 Old Grove Road, San Diego, CA 92131; or  
Email: [mary.mahoney@sdapcd.org](mailto:mary.mahoney@sdapcd.org).

3. The U.S. Environmental Protection Agency (EPA) does not recognize variances granted under California state law. A Variance Order granted by this Board does not preclude either the EPA or citizens from seeking penalties for violations of federal law.
4. Failure to comply with any condition in this Order or in any accompanying Increments of Progress schedule may result in any of the following actions:
  - a. Enforcement pursuant to California Health and Safety Code Section 42400, 42401, 42402 or 42403, including possible judicial action for an injunction and/or civil penalties, and, in appropriate cases, criminal prosecution.
  - b. Revocation or modification of this Order under California Health and Safety Code Section 42356 or 42362, after notice and opportunity for a public hearing.

**FAILURE TO COMPLY** with any of the foregoing is a violation of this Order.

AYES: Rodriguez, Schlick, Gonzalez, Powers, Spencer



MIA RUFFIER

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



A blue-tinted photograph of the San Diego skyline, featuring various skyscrapers and a bridge over the water, serves as the background for the top half of the slide.

# Stipulated Abatement Order Update

**San Diego County Air Pollution Control District**

**Petition No. 4527**

**Hearing Board Meeting: December 8, 2022**

---

2022



# Stipulated Abatement Order (SAO) Update

1. Odor Reduction System (ORS)  
Installation

2. Complaints & District Investigations

3. Odor Survey Results



# 1. ORS Installation Update

- Main fan received: 11/30/22
- Fan installed: 12/2/22
- Wiring completed: 12/2/22
- Construction Completion Notice submitted: 12/2/22
- ORS Operating: 12/2/22
- Testing, calibrating: 12/3-5/22
- ORS commission test on 12/5/22
  - Pressure gauges to be received by 12/9/22
- District Engineering Insp. Week of 12/12-16/22



Photo: ORS fan delivered 11/30/2022



# 1. ORS Installation Update

- Fully Installed ORS: Photos from 12/5/2022



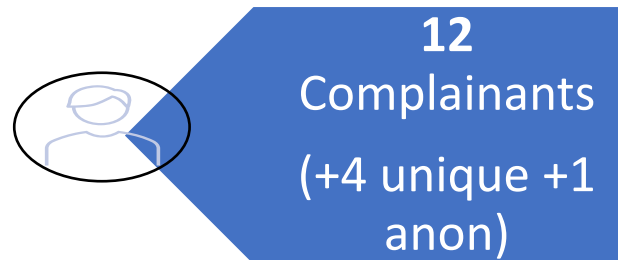


## 2. Complaints & District Investigations

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



11/17/22 Update



12/8/22 Update



## 2. Complaints & District Investigations

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



**59** Odor  
Surveys  
Conducted



**59** Nuisance  
Odors Found

11/17/22 Update



**73** Odor  
Surveys  
Conducted  
(+13)



**69** Nuisance  
Odors Found  
(+10 days)

12/8/22 Update



**84** Odor  
Surveys  
Conducted  
(+11)



**75** Nuisance  
Odors Found  
(+6 days)

## 2. Complaints & District Investigations

- The District Conducted Five Onsite Facility Inspections:
  - Friday, November 18, 2022: No violations of the Stipulated Abatement Order
  - Thursday, November 22, 2022: No violations of the Stipulated Abatement Order
  - Friday, December 2, 2022: No violations of the Stipulated Abatement Order
  - Monday, December 5, 2022: No violations of the Stipulated Abatement Order
  - Wednesday, December 7, 2022: No violations of the Stipulated Abatement Order
- District Engineering Inspection:
  - Week of December 12-16, 2022
  - New Leaf Subject to the Authority to Construct (ATC)



## 2. Complaints & District Investigations

### New Conditions for the ORS in the Authority to Construct:

2. At no time shall the subject equipment cause or contribute to a nuisance as specified in District Rule 51. If compliance with Rule 51 cannot be demonstrated to the satisfaction of the District, the applicant will take whatever corrective action necessary to meet applicable requirements. If corrective action requires any physical change or modification to the subject equipment, the applicant shall receive prior District approval by applying for and obtaining an authority to construct for all such modifications. (Rule 51)
4. The Permittee shall inspect, monitor and evaluate the control efficiency of the odor control system once every 30 days upon issuance of the Authority to Construct and made available to District personnel upon request, so that detectable odor is not present outside the property boundary. If the proposed odor control system is not capable of controlling the odorous compounds that are released from the building, the owner or operator shall propose a new or additional odor control system and implement permanent corrective actions upon District approval. (Rule 51)





## 2. Complaints & District Investigations

### New Conditions for the ORS in the Authority to Construct:

- Record differential pressure and replace activated carbon in the ORS regularly
- Keep the South Plant under negative air pressure and monitor the differential pressure near the roll-up doors
- Refrain from modifying the ORS without District approval
- ORS to be in full operation at all times, with few exceptions
- Measure and record H<sub>2</sub>S weekly



# 3. Odor Survey Results

## 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

## 11/17/22 Update

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

## 12/8/22 Update

Odor Classification	No	%2
No Odor	4	18.2
Very Faint	3	13.6
Faint	7	31.8
Distinct	8	36.4
Strong	0	0
Very Strong	0	0
Total:	22	100

# 3. Odor Survey Results

## Before ORS: 11/17 to 12/1/22

Odor Classification	No.	%
No Odor	2	14.3
Very Faint	1	7.2
Faint	3	21.4
Distinct	8	57.1
Strong	0	0
Very Strong	0	0
Total:	14	100%

## After ORS: 12/2 to 12/7/22

Odor Classification	No.	%
No Odor	2	25.0
Very Faint	2	25.0
Faint	4	50.0
Distinct	0	0
Strong	0	0
Very Strong	0	0
Total:	8	100%

# Conclusion

- Noticeable odor reduction since ORS installation
- Six (6) extra odor nuisance days now documented
- The District will continue to conduct investigations to ensure compliance with the SAO and ATC.
- The District and New Leaf will continue to work together to monitor and mitigate any future odor nuisances, if applicable.





# **Stipulated Abatement Order Update on Effectiveness**

## **San Diego County Air Pollution Control District**

Mary P. Mahoney  
Civil Actions Investigator

---

2022

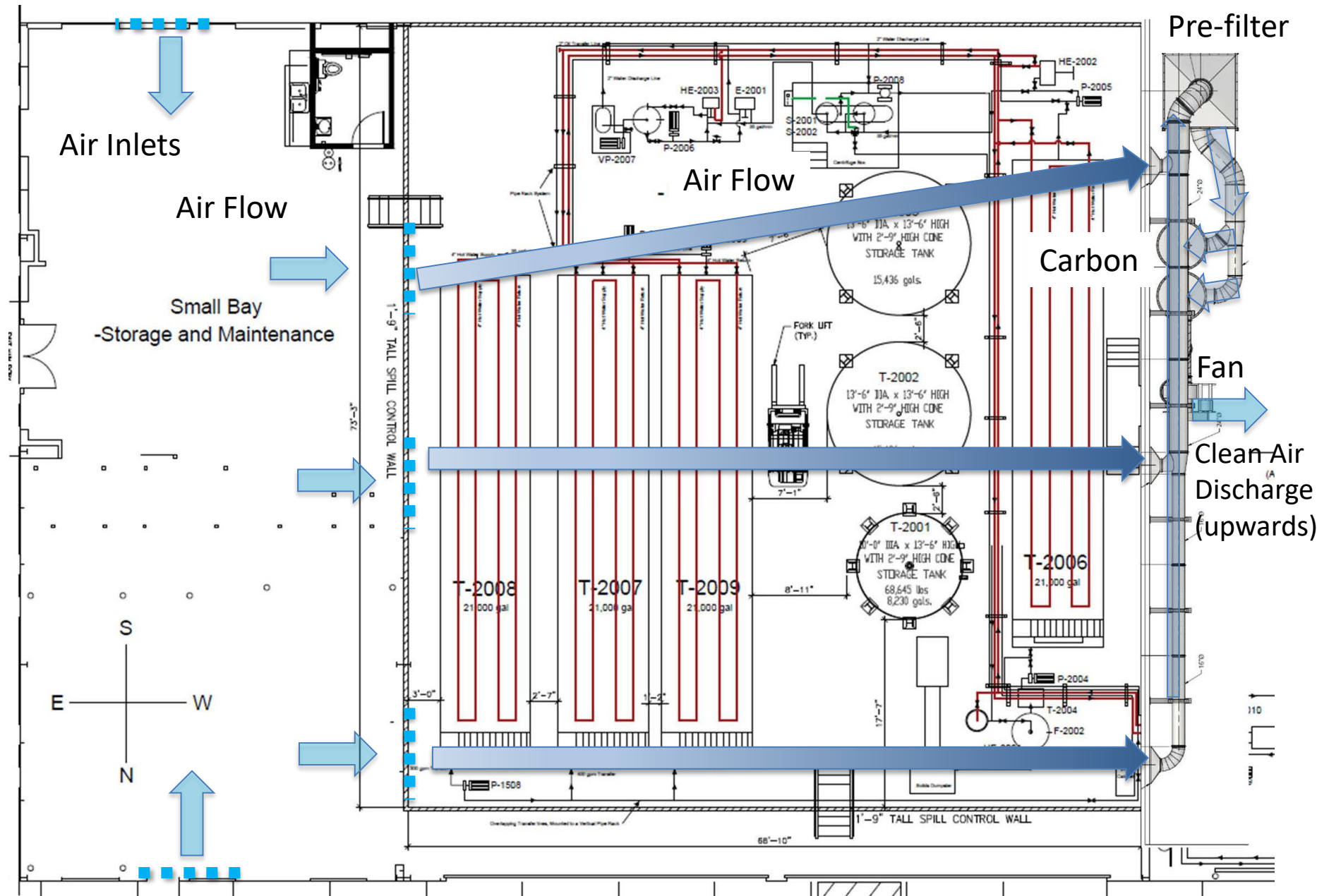




# Odor Control System Operation

- The odor control system was ready for the fan at the last hearing on November 17.
- In the interim the carbon vessels were extended to allow 4 complete FIBCs of carbon to be accommodated.
- The fan was delivered on November 30.
- Fan installation and testing was completed December 1.
- Operational checks and final building penetrations for air flow were completed December 2 and the Construction Complete notice sent to APCD.

# Carbon Filter Operation







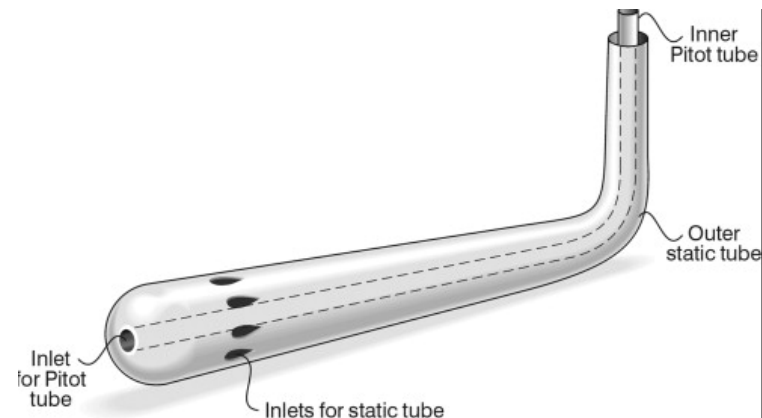
- The odor control system was turned on on December 2 and has been operating continuously since then.
- Over the weekend of December 3-4 different fan damper settings were tested to verify air flow and fan motor operating conditions.
- On December 5 air flow measurement in the system was tested.

- Testing was conducted using an anemometer for unducted air flows and a pitot tube for ducted air flows.

Anemometer



Pitot tube



- Target system airflow is 12,500 cubic feet per minute.
- The system has three, 2 feet by 4 feet inlets from the building.
- Anemometer airflows at the face of these inlets ranged from 495 to 535 feet per minute. 12,500 cfm equates to 521 feet per minute at the inlets.
- Airflow through the largest mandoor when open was 280 feet per minute
- In duct air flow into the base of the carbon filters was measured at 12,800 cfm using the pitot tube.



- Displaced air recovery duct has been installed and will be commissioned as soon as flow rates are confirmed.



- Baseline Pressure Drop

This is the normal operating pressure drop across the carbon filters. Because we increased the depth of the carbon column, the pressure drop is above the range of the supplied meters. These will be replaced this week.

- Building Differential Pressure

The meter sourced for this measurement was not sensitive enough to record the required data. A new instrument will be installed this week.

- The odor control system will run at all times.
- Even if the South Plant is not actively processing the odor control system will still be running.
- During activated carbon replacement the system can operate through one filter vessel while the other is refilled.
- A fan motor spare will be held on site.



- Pipeline between South Plant and Biodiesel Plant – completion expected first half 2023. Will eliminate almost all truck loading at South plant and most transfer trucking between South and North.
- South Efficiency Project – target completion in 2023. Will allow all oil processing to be fully enclosed and direct transfer of separated water from raw oil via the pipeline to treatment.



Questions

**12.08.22 APCD HB**  
**Petition 4527 – Public Speakers**

<b>4527</b>	<b>New Leaf Biofuels</b>		
		Alec	Mackenzie
		Nicholas	Paul
		Roberto	Corral
		Maria	Fernandez Corral