

**AIR POLLUTION CONTROL DISTRICT HEARING BOARD
EMERGENCY VARIANCE HEARING
October 21, 2022
5:00 P.M.**

HEARING OFFICER: Ruth Vilmarie Rodriguez, Chair, County of San Diego Air Pollution Control District Hearing Board

4528 County of San Diego Department of Public Works – Palomar Airport Landfill – Petitioner requests an Emergency Variance 4528 filed on October 20, 2022 from Conditions 7 and 8 of permit APCD1998-PTO-910733 and Rule 59(c)(3), due to a breakdown condition in the LFG Collection and Control System equipment associated with Inactive Municipal Solid Waste Landfill (Palomar Airport Landfill) located at 2016 Palomar Airport Road, Carlsbad, CA 92008.

SWORN WITNESSES: Craig Burnett, Jennifer Winfrey, Melissa Porter, representing Department of Public Works; and Brian Duffy, Gabrielle Stephens, Srividhya Viswanathan, representing SCS Engineers.

STAFF PRESENT: Mia Ruffier, Clerk of the Board of Supervisors; Scott Nester Civil Actions Investigator, Air Pollution Control District.

ACTION: Pursuant to Air Pollution Control District Hearing Board Rule 98 and Health and Safety Code section 42359.5, Chair Rodriguez received evidence, closed the Hearing granting the Emergency Variance under District Permit APCD1998-PTO-910733 Permit Conditions 7 and 8 and Rule 59(c)(3). Petitioner and those present reviewed APCD Rule 98 describing the requirements for granting an Emergency Variance. Petitioner's request for Emergency Variance meets Rule 98 conditions for breakdown. Based upon testimony given and evidence provided, Chair Rodríguez determined that good cause is found and granted Petition 4528 for Emergency Variance based on the following:

1. Petitioner's facility is classified under Health and Safety Code section 42352 as an essential public service and coming into prompt compliance would be a burden to the facility.
2. Running the landfill gas collection and meeting immediate compliance is more beneficial to the public than closing it down.
3. Department of Public Works and SCS Engineers resources are committed to prompt compliance of the permit conditions and Rule 59(c)(3) where they have provided assurance to meeting compliance during the period of the Variance.
4. Petitioner is unable to curtail operations and public health would be impacted if an Emergency Variance was not granted.

The Board thereby granted the Petitioner's request for an Emergency Variance from Conditions 7 and 8 as applied to Permit to Operate Number APCD1998-PTO-910733, and Rule 59(c)(3). The Variance will begin on October 17, 2022 and ends on November 16, 2022. The Variance is subject to the following conditions to be met by Petitioner during the Emergency Variance period:

1. Petitioner will perform daily monitoring for gas Oxygen (O₂) concentration at the flare station.
2. Petitioner will perform daily surface monitoring and recordkeeping in area of excavation of underground components during the excavation and repair.
3. The Variance from Condition 7 and 8 as applied to Permit to Operate Number APCD1998-PTO-910733 and Rule 59(c)(3) is limited to time and place of repair.
4. Petitioner shall submit weekly reports for the entire Variance period that include the following:
 - a. Description of repair and maintenance activity.
 - b. Monitoring data for Oxygen (O₂) concentration at the flare.
 - c. Monitoring data for daily surface monitoring and recordkeeping in area of excavation of underground components.
 - d. Time and date of monitoring.
5. The report must be submitted every Wednesday by 4:00 PM to Scott Nester, Civil Actions Investigator at Scott.Nester@sdapcd.org.
6. If Petitioner presumably cannot complete the repairs during the Emergency Variance period, Petitioner shall promptly submit a request for an additional Variance by the 3rd week of this Variance.



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