

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
Regular Meeting, Thursday, February 23, 2023
9:00 a.m.

ORDER OF BUSINESS

ROLL CALL

Members present: Vilmarie Rodriguez, Chair; Jose Gonzalez, William Powers, Daniel Spencer and Steve Engleman

Members absent: Alison Schlick, Vice Chair

Staff present: Mary Mahoney, APCD Civil Actions Investigator; Scott Nester, APCD Civil Actions Investigator; Dan Plotner, APCD Program Coordinator; Emily Helms, Senior Deputy County Counsel APCD; Veera Tyagi, 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 February 09, 2023.

ACTION:

ON MOTION of Member Powers, seconded by Member Spencer, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of February 09, 2023.

AYES: Rodriguez, Powers, Spencer

ABSENT: Gonzalez, Schlick

C. Approval of Statement of Proceedings for February 16, 2023.

ACTION:

ON MOTION of Chair Rodriguez, seconded by Member Spencer, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of February 16, 2023, as amended.

AYES: Rodriguez, Powers, Spencer

ABSENT: Gonzalez, Schlick

PETITION(S) BEFORE THE BOARD:

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

ACTION:

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

AYES: Rodriguez, Gonzalez, Powers, Spencer

ABSENT: Schlick

ACTION:

ON MOTION Member Spencer, seconded by Member Powers, the Air Pollution Control District Hearing Board accepted updates on Petition.

AYES: Rodriguez, Gonzalez, Powers, Spencer

ABSENT: Schlick

4532 CITIZENS FOR A FRIENDLY AIRPORT (C4FA) – Petitioner requests consideration for a rehearing (filed on February 5, 2023) of Regular portion of Petition 4530 (County of San Diego Department of Public Works – Palomar Airport Landfill) heard on January 12, 2023.

ACTION:

ON MOTION Chair Rodriguez, seconded by Member Powers, the Air Pollution Control District Hearing Board denied Petition 4532.

AYES: Rodriguez, Gonzalez, Powers, Spencer

ABSENT: Schlick

ADJOURNMENT:

The APCD Hearing Board adjourned the February 23, 2023 meeting at 10:34 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 February 09, 2023.

ACTION:

ON MOTION of Member Powers, seconded by Member Spencer, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of February 09, 2023.

AYES: Rodriguez, Powers, Spencer

ABSENT: Gonzalez, Schlick



MIA RUFFIER

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

ADMINISTRATIVE ITEM:

C. Approval of Statement of Proceedings for February 16, 2023.

ACTION:

ON MOTION of Chair Rodriguez, seconded by Member Spencer, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of February 16, 2023.

AYES: Rodriguez, Powers, Spencer

ABSENT: Gonzalez, Schlick



MIA RUFFIER

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

**COUNTY OF SAN DIEGO
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.

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 1.

AYES: Rodriguez, Gonzalez, Powers, Spencer

ABSENT: Schlick

ACTION:

ON MOTION Member Spencer, seconded by Member Powers, the Air Pollution Control District Hearing Board accepted updates on Petition.

AYES: Rodriguez, Gonzalez, Powers, Spencer

ABSENT: Schlick



MIA RUFFIER

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



**02.23.23 APCD HB
Petition 4527 – Exhibit A**



Stipulated Abatement Order Update

San Diego County Air Pollution Control District

Petition No. 4527

Hearing Board Meeting: February 23, 2023

2023



Stipulated Abatement Order (SAO) Update

1. Complaints & District Investigations

2. Odor Survey Results



2. Complaints & District Investigations

Before the ORS



32 Complaints




12 Complainants
(1 anonymous)

After the ORS



33 Complaints
(+ 1 complaint)



12 Complainants
(1 anonymous)
(no change)

2. Complaints & District Investigations

Before the ORS



80 Odor Surveys Conducted



75 Nuisance Odors Found

After the ORS



24 Odor Surveys Conducted



0 Nuisance Odors Found

2. Complaints & District Investigations

- The District Conducted an Onsite Facility Inspection:
 - Wednesday 2/15/2023: No violations found
- The District Requested the 30-day Permit Report for Condition No. 4:

Condition 4

The Permittee shall inspect, monitor and evaluate the control efficiency of the odor control system once every 30 days and made available to District personnel upon request, so that detectable nuisance odor is not present outside the South Plant building property boundary. If the proposed odor control system is not capable of controlling the nuisance odorous compounds that are released from the South Plant building, the owner or operator shall propose a new or additional odor control system and implement permanent corrective actions upon District approval. (Rule 51)

- No nuisance odors observed by New Leaf; ORS operating efficiently from 1/26 through 2/16, 2023



3. Odor Survey Results

Before ORS: 11/23/21 to 12/1/22

Odor Classification	No.	%
No Odor	7	4.3
Very Faint	4	2.5
Faint	30	18.8
Distinct	56	35.0
Strong	48	30.0
Very Strong	15	9.4
Total:	160	100%

After ORS: 12/2/22 to 2/22/23

Odor Classification	No.	%
No Odor	20	41.7
Very Faint	18	37.5
Faint	9	18.8
Distinct	1	2.0
Strong	0	0
Very Strong	0	0
Total:	48	100%

3. Odor Survey Results

- Most recent Odors Near Residents with ORS Operating:

December Odor Survey	Odor Intensity
12/2/22	No Odor
12/5/22	Very Faint
12/6/22	No Odor
12/7/22	Faint
12/13/22	Very Faint
12/22/22	Very Faint
12/23/22	No Odor
12/28/22	Very Faint
12/30/22	No Odor

January Odor Survey	Odor Intensity
1/4/23	No Odor
1/6/23	Very Faint
1/11/23	No Odor
1/13/23	No Odor
1/17/23	No Odor
1/20/23	No Odor
1/24/23	No Odor
1/25/23	No Odor

February Odor Survey	Odor Intensity
2/2/23	No Odor
2/14/23	Very Faint
2/15/23	Very Faint
2/16/23	No Odor
2/17/23	Very Faint
2/20/23	Very Faint
2/21/23	Faint



Conclusion

- Odors reduced in intensity and frequency since ORS operation
- No new odor nuisances
- The District will continue to conduct investigations to ensure ORS effectiveness
- Next progress update on March 26, 2023





Stipulated Abatement Order Update on Effectiveness

San Diego County Air Pollution Control District

Mary P. Mahoney
Civil Actions Investigator

2023



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

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

ACTION:

ON MOTION Chair Rodriguez, seconded by Member Powers, the Air Pollution Control District Hearing Board denied Petition 4532.

AYES: Rodriguez, Gonzalez, Powers, Spencer

ABSENT: Schlick



MIA RUFFIER

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