

**AIR POLLUTION CONTROL DISTRICT HEARING BOARD
EMERGENCY VARIANCE HEARING
November 1, 2023
12:00 P.M.**

HEARING OFFICER: Alison Schlick, Vice Chair, County of San Diego Air Pollution Control District Hearing Board

4537 ESCONDIDO BIOENERGY FACILITY, LLC - Petitioner requests an Emergency Variance 4535 filed on October 31, 2023, from District Rules 20.2 and 69.4.1 associated with APCD2019-PTO-003330, due to engine emissions failure to meet NOx emission limit during annual source test located at 1521 S. Hale Ave., Escondido, CA.

SWORN WITNESSES: John Hutson, Kathy Hurst, and Alfonso DeLuna, representing Escondido Bioenergy Facility, LLC.

STAFF PRESENT: Mia Ruffier, Clerk of the Hearing Board; Nicole Sheridan, Civil Actions Investigator, Air Pollution Control District; Dan Plotner, Program Coordinator, Air Pollution Control District; and Nathan Gutzwiller, Senior Chemist for the Air Pollution Control District.

ACTION: Pursuant to Air Pollution Control District Hearing Board Rule 14 and Health and Safety Code section 42359.5, Vice Chair Schlick received evidence, closed the Hearing, and denied the Emergency:

Petitioner and those present reviewed Hearing Board Rule 14 and APCD Rules 97 and 98 describing the requirements for petitioning an Emergency Variance. Based on testimony provided, the Petition did not meet the Emergency Variance requirements.

Based upon testimony given and evidence provided, Vice Chair Schlick determined that good cause was not found, determined that emergency action is not warranted and closed the hearing with denial of Petition 4537 for Emergency Variance and encouraged Petitioner to continue working with District Staff.



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