

**STATEMENT OF PROCEEDINGS**  
**SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD**  
**Regular Meeting, Thursday, January 11, 2024**  
**9:00 a.m.**

**ORDER OF BUSINESS**

**ROLL CALL**

Members present: Steven Engleman, Jose Gonzalez and Daniel Spencer

Members absent: Vilmarie Rodriguez, Alison Schlick, William Powers

Staff present: Teh Magee-Hill, APCD Civil Actions Investigator; Mary Mahoney, APCD Civil Actions Investigator; 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 26, 2023.

**ACTION:**

ON MOTION of Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of October 26, 2023.

AYES: Engleman, Gonzalez, Spencer  
ABSENT: Rodriguez, Schlick, Powers

C. Selection of Chair and Vice Chair for 2024.

**ACTION:**

ON MOTION of Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board continued the Selection of Chair and Vice Chair for 2024 to February 8, 2024.

AYES: Engleman, Gonzalez, Spencer  
ABSENT: Rodriguez, Schlick, Powers

**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 Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board accepted updates on Petition 4527 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 an additional status update with the possibility of additional action should the Board deem it necessary during regularly scheduled meeting on March 21, 2024.

AYES: Engleman, Gonzalez, Spencer  
ABSENT: Rodriguez, Schlick, Powers

**4539 BIMBO BAKERIES USA, INC. –** Petitioner requests a 90 Day Variance filed on December 18, 2023, from APCD Rules 67.2(d)(2)(ii) and 21 (Condition #8 of APCD2006-PTO-951149), to repair prohibited leaking ducting prior to the catalytic oxidizer located at 2069 Aldergrove Ave, Escondido, CA 92029.

**ACTION:**

ON MOTION Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board accepted Petitioner’s revised presentation as Exhibit A.

AYES: Engleman, Gonzalez, Spencer  
ABSENT: Rodriguez, Schlick, Powers

**ACTION:**

ON MOTION Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board granted Petitioner’s request for a 90 Day Variance.

AYES: Engleman, Gonzalez, Spencer  
ABSENT: Rodriguez, Schlick, Powers

**ADJOURNMENT:**

The APCD Hearing Board adjourned the January 11, 2024 meeting at 12:27 p.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/Minutes for October 26, 2023

**ACTION:**

ON MOTION of Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board approved the Statement of Proceedings for the meeting of October 26, 2023.

AYES: Engleman, Gonzalez, Spencer

ABSENT: Rodriguez, Schlick, Powers



MIA RUFFIER

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

**ADMINISTRATIVE ITEM:**

C. Selection of Chair and Vice Chair for 2024

**ACTION:**

ON MOTION of Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board continued the Selection of Chair and Vice Chair for 2024 to February 8, 2024.

AYES: Engleman, Gonzalez, Spencer

ABSENT: Rodriguez, Schlick, Powers



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 Member Engleman, seconded by Member Gonzalez, the Air Pollution Control District Hearing Board accepted updates on Petition 4527 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 an additional status update with the possibility of additional action should the Board deem it necessary during regularly scheduled meeting on March 21, 2024.

AYES: Engleman, Gonzalez, Spencer

ABSENT: Rodriguez, Schlick, Powers



MIA RUFFIER

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



**01.11.24 APCD HB  
Speaker Slips**



**Air Pollution Control District Hearing Board**

DATE 1/11/24 Petition Number 4527

SUBJECT \_\_\_\_\_

**REQUEST TO SPEAK**

PLEASE PRINT NAME LEGIBLY

Name Jennifer Case  
First Last

Organization Name New Leaf Biofuel

Please check below:

- Officer or Authorized Employee for Petitioner
- Agent or Legal Representation

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PLEASE SEE GUIDE FOR SPEAKERS ON REVERSE

**(FOR PETITIONER)**  
**OTHER THAN APCD**

**Air Pollution Control District Hearing Board**

DATE 1/11/23 Petition Number 4527

SUBJECT Odor Update

**REQUEST TO SPEAK**

PLEASE PRINT NAME LEGIBLY

Name Chris White  
First Last

Organization Name New Leaf Biofuel

Please check below:

- Officer or Authorized Employee for Petitioner
- Agent or Legal Representation

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PLEASE SEE GUIDE FOR SPEAKERS ON REVERSE

**(FOR PETITIONER)**  
**OTHER THAN APCD**



## 01.11.24 APCD HB Public Testimony

<b>4527</b>	<b>NEW LEAF</b>		
		Nicholas	Paul