



County of San Diego

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AIR POLLUTION CONTROL DISTRICT HEARING BOARD
CLERK OF THE BOARD OF SUPERVISORS
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ASSISTANT CLERK OF THE BOARD

STATEMENT OF PROCEEDINGS SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD Regular Meeting, Thursday, January 08, 2015

ADMINISTRATIVE ITEM:

- A.** Approval of Minute Orders for December 11, 2014.

ACTION:

ON MOTION of Member Gabrielson, seconded by Chair Rodriguez, the Air Pollution Control District Hearing Board approved the Minute Orders as amended for December 11, 2014.

AYES: Tonner, Gabrielson, Rodriguez
ABSTAIN: Rappolt
ABSENT: Smith

- B.** Selection of Chairperson and Vice Chairperson for 2015.

ACTION:

ON MOTION of Member Rappolt, seconded by Member Gabrielson, the Air Pollution Control District Hearing Board elected APCDHB Chair, Ruth V. Rodriguez and Vice-Chair, Nicholas John Patrick Tonner.

AYES: Tonner, Gabrielson, Rodriguez, Rappolt
ABSENT: Smith

- C.** Adoption of proposed standard language for general variance condition.

“Violation of any condition of a Board order may subject the variance to a revocation hearing by the Board, which may ultimately result in penalties as specified in §§ 42400-42403 of the California Health and Safety Code.”

ACTION:

ON MOTION of Chair Rodriguez, seconded by Vice-Chair Tonner, the Air Pollution Control District Hearing Board moved as follows:

- a) This item has been continued for discussion during a regular APCD meeting on March 12, 2015.
- b) APCO is instructed to provide potential language to Clerk of the Board to modify the boiler plate template.
- c) Clerk of the Board is instructed to notice additional proposed language for modification of the boiler plate template to be discussed on February 12, 2015.

AYES: Tonner, Rodriguez, Rappolt
ABSENT: Smith, Gabrielson

- D.** Discussion regarding jurisdiction and determination of a variance revocation and District presentation to provide the Board clarification of their approach to violations of Board Orders.

ACTION:

ON MOTION of Chair Rodriguez, seconded by Vice-Chair Tonner, the Air Pollution Control District Hearing Board moved as follows:

- a) This item has been continued for discussion during a regular APCD meeting on March 12, 2015.
- b) County Counsel is instructed to discuss jurisdiction with APCD counsel and provide clarification to the Board.

AYES: Tonner, Rodriguez, Rappolt
ABSENT: Smith, Gabrielson

- E.** County Counsel clarification of noticing requirements for a hearing to modify a Board Order pursuant to Health and Safety Code § 42356.

ACTION:

ON MOTION of Chair Rodriguez, seconded by Vice-Chair Tonner, the Air Pollution Control District Hearing Board moved as follows:

This item has been continued for discussion during a regular APCD meeting on March 12, 2015.

AYES: Tonner, Rodriguez, Rappolt
ABSENT: Smith, Gabrielson

- F.** Discussion of whether two past Board orders should be modified to remove invalid conditions and whether a formal hearing is required for such modification.

The two orders to be discussed are:

- (1) Petition No. 4421, granted on September 11, 2014, in favor of Petitioner Albertsons, included the following language as Condition No. 6:
“Noncompliance with any condition of this variance shall terminate the variance, commencing on the date of said violation, and subject the person holding it to the requirements and laws from which the variance was granted.”
- (2) Petition No. 4424, granted on September 25, 2014, in favor of Petitioner Hunter Industries, included the following language as Condition No. 6:
*“Violation of any requirement of this Order may result in one or more of the following actions:
a. Enforcement of California Health & 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 of this Order under California Health and Safety Code”*

ACTION:

ON MOTION of Chair Rodriguez, seconded by Vice-Chair Tonner, the Air Pollution Control District Hearing Board moved that without an assessment by the Board with regard to the validity or credibility the Board has decided to take no action.

AYES: Tonner, Rodriguez, Rappolt
ABSENT: Smith, Gabrielson

Petition No.

4431 PEDROZA READY MIX/FLATLINE READY MIX: Request for 90 Day Variance (filed December 19, 2014) from Permit Condition 1 of Permit to Operate Nos. APCD2013-PT0-001727 for exceeding annual engine run hours at a concrete plant located at 15275 Olde Highway 80, El Cajon, CA 92121.

ACTION:

ON MOTION of Member Rappolt, seconded by Member Gabrielson, the Air Pollution Control District Hearing Board granted the 90-Day Variance.

AYES: Tonner, Gabrielson, Rodriguez, Rappolt
ABSENT: Smith

PUBLIC COMMUNICATION:

Opportunity for members of the Public to speak to the Board on any subject matter within the Board's jurisdiction, but not on an item on today's Agenda. (Five minutes total will be allocated; each speaker's presentation may not exceed one minute and may not relate to pending litigation.)

ACTION: No Speakers

ASSISTANCE FOR THE DISABLED:

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