

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

2706 NAVAL TRAINING CENTER. Interim Portion of Interim/Short Variance request from Rule 59(d)(1)(ii)(A) (Control of Waste Disposal Site Emissions) to operate a non-gas controlled landfill located at 33502 Decatur Road, San Diego, California 92133-1449.

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

ACTION:

ON MOTION of Member Brunton, seconded by Member Herz, the Board closed the hearing, made a finding of good cause, and thereby granted an Interim Variance from Rule 59(d)(1)(ii)(A) to December 16, 1993, or until the date a Startup Authorization is granted, whichever occurs first, as noted in Petition No. 2706, subject to the following enforcement conditions:

1. A draft protocol for performing an air SWAT will be submitted to the District by October 18, 1993.
2. Within the period of the Interim Variance, the Petitioner will perform all necessary grading and surface repair operations in an attempt to achieve compliance with Rule 59 standards.
3. The Petitioner will institute a self-monitoring program to determine the on-going compliance status of this site with respect to Rule 59 standards, with monitoring performed on a monthly basis. Records will be kept which will be made immediately available to the District upon request.

ENFORCEMENT CONDITIONS

After a thorough investigation of all relevant facts, including requests for public comment, it was determined that the schedule for compliance set forth in the Order is as expeditious as practicable, and that the terms of this Order comply with applicable sections of the State Health and Safety Code and the following conditions were imposed:

1. No later than five days after any date for achievement of an incremental step specified in this Order, the Petitioner shall notify the San Diego County Air Pollution Control District (SDC APCD) in writing of its compliance or noncompliance and reasons therefor, with the requirement. If delay is anticipated in meeting any requirement of this Order, the Petitioner shall immediately notify the SDC APCD in writing of the anticipated delay and reasons therefor. Notification to the SDC APCD does not excuse the delay.

2. All submittals and notifications to the SDC APCD pursuant to this Order shall be made to: Air Pollution Control Officer, Division of Enforcement, 9150 Chesapeake Drive, San Diego, CA 92123 (Tel. 619/694-3340).

3. This Order shall be terminated in accordance with the Clean Air Act, Section 113(d)(8) if the proper Environmental Protective Agency (EPA) representative determines on the record, after notice and hearing that an inability to comply with the requirements of this Order no longer exists.

4. Violation of any requirement of this Order may result in one or more of the following actions:

a) Enforcement of State Health and Safety Code Sections 42400, 42401, 42402 or 42403, or enforcement of Sections 113(a), (b) or (c) of the Clean Air Act, including possible judicial action for an injunction and/or penalties, and, in appropriate cases, criminal prosecution.

b) Revocation of this Order under the State Health and Safety Code Section 42356 or 42362, after notice and opportunity for a public hearing, and subsequent enforcement of the requirements of this Order in accordance with the preceding paragraph.

c) Notice of noncompliance and subsequent action pursuant to Clean Air Act Section 120, if violation occurs on or after July 1, 1971.

5. This Order shall, in the case of a stationary source which directly emits or has the potential to emit, 100 tons per year or more of any air pollutant, be effective as a Section 113(d) Order upon approval by the Administrator of the EPA.

FAILURE TO COMPLY with any of the foregoing shall be deemed to be a violation of this Order, and the Petitioner shall forthwith be subject to revocation according to procedures set forth in the Health and Safety Code.

Roll call on the foregoing motion results in the following vote:

AYES: Members Bush, Brunton, Herz, Michael

ABSENT: Member Grant

THOMAS J. PASTUSZKA
Clerk of the Hearing Board

By: Adair Gomez
Adair Gomez
Deputy Clerk