

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Liz Kniss and Members
of the Executive Committee

From: Chairperson Valerie Armento, Esq., and Members
of the Hearing Board

Date: July 17, 2017

Re: Hearing Board Quarterly Report: January – March 2017 & April – June 2017

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Since the most recent Executive Committee meeting was held in February 2017, this report covers the first *and* second calendar quarters (January – March and April – June) of 2017.

During the first quarter of 2017 (January - March), the Hearing Board:

- Held no Hearings of any kind; and
- Processed a total of zero Orders; and
- Collected a total of \$0.00 in filing fees.

Below is a detail of Hearing Board activity during the same period:

Location: Sonoma County; City of Petaluma

Docket: 3698 - APCO vs. Spring Hill Jersey Cheese, Inc., et al – *Accusation*

Regulation(s): Regulation 2, Rule 1; and Regulation 9, Rule 7

Synopsis: Complainant was informed and believed and thereon alleged that since 2004, Respondents had owned or been operating a facility in Petaluma, California without a District permit to operate two boilers and a milk dryer required pursuant to District Regulation 2, Rule 1, despite knowing about this requirement. Further, despite the prohibition to do so, Respondents had been operating the boilers, which violated requirements of District Regulation 9, Rule 7. Complainant sought an order that Respondents cease operating the unpermitted and non-compliant equipment until they complied with District Regulation 2, Rule 1 and Regulation 9, Rule 7.

Status: Accusation filed on February 28, 2017; Pre-Hearing Conference was scheduled for March 28, 2017, but was cancelled due to a schedule conflict of the Respondent; Hearing scheduled for April 18, 2017.

During the second quarter of 2017 (April - June), the Hearing Board:

- Held a total of one Pre-Hearing Conference (Docket No. 3700)
- Held a total of two Hearings (Docket No. 3698 and Docket No. 3699)
- Processed a total of three Orders, including one Order for Dismissal of a Respondent (3690), one Stipulated Conditional Order for Abatement (3698), and one Conditional Order for Abatement (3699); and
- Collected a total of \$0.00 in filing fees.

Below is a detail of Hearing Board activity during the same period:

Location: Santa Clara County; City of Milpitas

Docket: 3690 APCO vs. SULAIMAN DOSOUQI, et al – *Accusation*

Regulation(s): Regulation 2, Rule 1 - Section 302

Synopsis: Respondents owned or operated a gas station in Milpitas, California for which they must hold a current and valid District permit to operate gasoline dispensing equipment, pursuant to District Regulation 2, Rule 1. Since at least October 2010, one or more of the Respondents had been conducting gasoline dispensing operations continuously at this gas station. Since at least September 1, 2012, they had been operating without a permit to operate, in violation of District Regulation 2-1-302. Complainant sought an order that Respondents cease gasoline dispensing operations at this facility until they obtained a current, valid District permit to do so.

Status: Pre-Hearing Conference held on May 20, 2016; Hearing held on June 9, 2016; Stipulated Conditional Order for Abatement filed on June 27, 2016, but Respondents failed to adhere to the conditions within the Order, and are currently in litigation with the District; Request by one of the Respondents (Hussain) to be removed from the action, due to parting company with the facility, filed on April 21, 2017; the request was considered as a Consent Calendar item on May 30, 2017; Order Dismissing Respondent Hussain from action filed on June 6, 2017.

Location: Sonoma County; City of Petaluma

Docket: 3698 - APCO vs. Spring Hill Jersey Cheese, Inc., et al – *Accusation*

Regulation(s): Regulation 2, Rule 1; and Regulation 9, Rule 7

Synopsis: Complainant was informed and believed and thereon alleged that since 2004, Respondents had owned or been operating a facility in Petaluma, California without a District permit to operate two boilers and a milk dryer required pursuant to District Regulation 2, Rule 1, despite knowing about this requirement. Further, despite the prohibition to do so, Respondents had been operating the boilers, which violated requirements of District Regulation 9, Rule 7. Complainant sought an order that Respondents cease operating the unpermitted and non-compliant equipment until they comply with District Regulation 2, Rule 1 and Regulation 9, Rule 7.

Status: Accusation filed on February 28, 2017; Pre-Hearing Conference was scheduled for March 28, 2017, but was cancelled due to a schedule conflict of the Respondent; Hearing held on April 18, 2017; Stipulated Conditional Order for Abatement filed on April 19, 2017; Continued Hearing scheduled for October 24, 2017.

Location: Alameda County; City of Fremont

Docket: 3699 - APCO vs. T&N Grimmer Enterprise Inc., et al - *Accusation*

Regulation(s): Regulation 2, Rule 1

Synopsis: Respondents own or operate a gas station in Fremont, California for which they must hold a current and valid District permit to operate gasoline dispensing equipment, pursuant to District Regulation 2, Rule 1. Since at least December 2013, one or more of the Respondents have been conducting gasoline dispensing operations continuously at this gas station without a District permit to operate, in violation of District Regulation 2-1-302. Complainant sought an order that Respondents cease gasoline dispensing operations at this facility until they obtain a current, valid District permit to do so.

Status: Accusation filed on May 4, 2017; Pre-Hearing Conference was scheduled for May 23, 2017, but was cancelled at request of Respondent; Hearing held on May 30, 2017, but Respondent failed to appear; Conditional Order for Abatement filed on June 21, 2017.

Location: San Mateo County; City of South San Francisco

Docket: 3700 – APCO vs. Manuel Campos, et al - *Accusation*

Regulation(s): Regulation 2, Rule 1

Synopsis: Respondents have owned or operated an auto body facility in South San Francisco, California where they conduct motor vehicle refinishing operations, for which they must hold a District permit to operate, pursuant to District Regulation 2, Rule 1. Since at least January 2006, Respondents have been operating – and are currently operating – the facility without a valid or current permit, despite their knowledge of the permit requirements. Complainant seeks an order that Respondents cease conducting these operations until they obtain a District permit to do so.

Status: Accusation filed on May 15, 2017; Pre-Hearing Conference held on June 20, 2017; Hearing scheduled for July 11, 2017.

Respectfully submitted,

Valerie Armento, Esq.
Chair, Hearing Board

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