

**AIR POLLUTION CONTROL DISTRICT HEARING BOARD
EMERGENCY VARIANCE HEARING**

March 1, 2023

2:00 P.M.

HEARING OFFICER: Ruth Vilmarie Rodriguez, Chair, County of San Diego Air Pollution Control District Hearing Board

4535 IPS Group, Inc - Petitioner requests an Emergency Variance 4535 filed on March 10, 2023, from District Rule 67.3(d)(2) associated with APCD2021-APP-006621 and APCD2023-NOV-000209, due to use of a non-compliant clear topcoat with a VOC content higher than 340 grams of VOC, at 7737 Kenamar Court, San Diego, CA to manufacture smart parking meters.

SWORN WITNESSES: Vasu Mohan and Brian Webber, representing IPS Group, Inc; Massie Hatch, Consultant, M8 Hatch Consulting; and Suzanne Varco, Counsel for IPS Group, Inc.

STAFF PRESENT: Mia Ruffier, Deputy Clerk of the Board of Supervisors; Heather Magee-Hill, Civil Actions Investigator, Air Pollution Control District; Dan Plotner, Program Coordinator, Air Pollution Control District; and Veera Tyagi, Counsel 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, Chair Rodriguez received evidence, closed the Hearing, and denied the Emergency Variance under District application APCD2021-APP-006621 and APCD2023-NOV-000209:

Petitioner and those present reviewed Hearing Board Rule 14 and APCD Rules 97 and 98 describing the requirements for petitioning an Emergency Variance. Petitioner is not seeking an Emergency Variance to avoid seeking an Interim Variance or hearing notice requirements. Based on testimony provided, the Petition did not meet the Emergency Variance requirements.

Based upon testimony given and evidence provided, Chair Rodríguez determined that good cause was not found, determined that emergency action is not warranted and closed the hearing with denial of Petition 4535 for Emergency Variance.



MIA RUFFIER

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