

PIMA COUNTY AIR QUALITY HEARING BOARD
PUBLIC HEARING

Southwest Soils Remediation, Inc.: Appeal of Southwest Soil Remediation, Inc.'s request for significant permit revision to their air quality permit.

Minutes of September 9, 1997, Hearing

Docket No. 96-001

Members Present

Dr. Barry A. Friedman
Dr. Caryl Brailsford
Ms. Linda McNulty
Mr. Raúl Piña
Mr. James A. Mather

Members Absent

Others Present

Chris Straub, Deputy County Attorney
David Esposito, Director, PDEQ
Richard Grimaldi, Technical Services Manager, PDEQ
Richard Lemon, Civil Engineer, PDEQ
Doug LaGrange, Sr. Air Quality Analyst
Frances Dominguez, Env. Specialist, PDEQ
Vicki Bennie, Hearing Board Secretary
Kathi Bauer, Appellant
Maryann Cleveland, Appellant
Karen Potts, Streich Lang, Counsel for SSR
Trevor Johanson, SSR
John Macko, Ward 4
Michael McCrory, City Attorney's Office

I. Call to Order

A public hearing by the Pima County Air Quality Hearing Board was held on Tuesday, September 9, 1997, at the City of Tucson Council Chambers, Tucson, Arizona. The hearing was called to order at 2:08 p.m. by Dr. Friedman.

II. Roll Call

Ms. Bennie called roll and a quorum was established.

EXECUTIVE SESSION

Mr. Straub, legal counsel for the County, stated that at July 29, 1997, public meeting, he suggested to the Board that an option for the September meeting would be to have discussion in Executive Session and take action in public. Upon further review of the Hearing Board's rules, meeting in executive session is not an option for the Board. The

Board's discussion would have to be in public session. Dr. Friedman asked if discussion could resume now or did the Board have to wait until 2:30 p.m. as noticed on the agenda. Mr. Straub advised the Board to wait until 2:30 p.m.

Ms. Cleveland asked Dr. Friedman if she could distribute additional information packets to the Board at this time. Dr. Friedman stated yes. Ms. Potts, legal counsel for SSR, objected because this meeting is just to rule on the briefs submitted by SSR and the appellants. She also stated that she is not aware of this additional material and is not prepared to have witnesses or discuss any new material today.

A motion was made by Ms. McNulty, seconded by Mr. Piña, that the Air Quality Hearing Board not accept any additional information at this time. The motion passed unanimously.

Ms. Cleveland stated that she wanted to submit additional material to the Board after the Hearing. She asked what the procedure was to do this. Mr. Straub stated that the Board made a motion that they did not wish to consider any additional information.

Air Quality Hearing Board Sitting in Regular Session at 2:30 p.m.

III. Approval of the Minutes of Past Minutes

Ms. Bennie stated that the minutes from the July 29, 1997, were not completed yet. There was no action on this item.

IV. In the matter of Appeals I-39 regarding the Significant Revision of the Air Quality Operating Permit No. 0336 issued to Southwest Soil Remediation, Inc.

Dr. Friedman asked that the secretary read the motion from the July 29, 1997, meeting. Ms. Bennie stated that a motion was made by Ms. McNulty which she read into the record:

"The motion is that each party, including PDEQ, prepare a brief to us on the question of whether there is some kind of ground, some common ground, that can be reached between the appellants and SSR that is acceptable to PDEQ, that sets a standard that is higher than the actual anticipated emissions but is lower than the emissions proposed in this permit to the issue before us, that is, the permit revision. And then we would review those briefs and make a decision."

The motion was seconded by Mr. Piña and an amendment was made by Dr. Brailsford:

"That PDEQ does the ambient air quality testing mentioned earlier".

In response to Dr. Brailsford's concern regarding lead, PDEQ agreed to perform ambient air quality monitoring within the area. The amendment was seconded by Mr. Piña. Both the motion and amendment passed unanimously.

Ms. Cleveland asked if PDEQ could change the emission limits set by ADEQ. Mr. Straub stated that the Hearing Board has the authority to adopt the permit before you. The Board has the jurisdiction to authorize a permit revision.

Ms. McNulty stated that the Board was here today to review if PDEQ was in error to issue Southwest Soil Remediation a permit, and that the appellants had not shown that PDEQ erred in issuing the permit.

Dr. Brailsford asked which emission limits, PDEQ's or ADEQ's? Ms. McNulty stated that PDEQ incorporates emission limits from ADEQ.

A. Hearing Board Action

A motion was made by Ms. McNulty, seconded by Mr. Piña:

To affirm the Pima County Department of Environmental Quality's significant permit revision issued to Southwest Soil Remediation, Inc. on April 27, 1997.

On Roll Call,	
Mr. Mather	Aye
Ms. McNulty	Aye
Mr. Pina	Aye
Dr. Brailsford	Aye

Motion passed unanimously.

Ms. Cleveland asked when the ambient air quality monitoring for lead would begin at Desert Willow Elementary School. She requested a start date in writing from the Department of Environmental Quality. Mr. Esposito stated that he would give Ms. Cleveland a start date in writing outside of the public hearing.

V. Adjournment

A motion was made by Mr. Piña, seconded by Mr. Mather, to adjourn. Motion passed unanimously.