

California Board of Environmental Safety

**Public Hearing on Ecobat Resources California, Inc. (formerly Quemetco, Inc.)
Temporary Authorization Appeal
Hacienda Heights Community Center
1234 Valencia Ave, Hacienda Heights, CA 91745**

Hearing Minutes for November 29, 2023

Board Members Present:

Chair: Jeanne Rizzo

Vice Chair: Alexis Strauss-Hacker

Member: Sushma Bhatia

Member: Georgette Gomez

Member: Lizette Ruiz

Staff Present:

Swati Sharma, Executive Officer

Sheena Brooks, Board Clerk

Gregory Forest, Attorney Advisor

Evelyn Nuno, Board Clerk

Linda Ocampo, Senior Staff Engineer

Appeal Parties Present:

Angela Johnson Meszaros, Counsel, Earthjustice for Clean Air Coalition of North Whittier and Avocado Heights (Appellant)

Wayne Lorentzen, DTSC Permitting Division Chief (Permitting)

Leah White, DTSC Senior Counsel (Permitting)

Matthew Williamson, Counsel, Manatt, Phelps & Phillips, LLP for Ecobat Resources, LLC (Permittee)

YouTube video links: English <https://www.youtube.com/watch?v=uzvhfinlSro> and Spanish <https://www.youtube.com/watch?v=Cdgh13hPDZU>

Presentations from Appellant, Permittee, and DTSC are available at <https://bes.dtsc.ca.gov/past-meetings/>.

Public Comments will be posted in a separate document.

1 Hearing Convening and Call to Order

00:01:39

The meeting was called to order at 1:13 p.m. and a quorum was established.

2 Welcome, Chair Opening Remarks

00:17:40

Chair Rizzo introduced today's appeal filed by Earthjustice for Clean Air Coalition of North Whittier and Avocado Heights ("Appellant"). Vice Chair Hacker addressed an emergency motion filed by Appellant within the preceding 24 hours, seeking to exclude specific images from the DTSC presentation. Vice Chair Hacker explained the procedural standards applicable to BES hearings on permit appeals, highlighted the inapplicability of the Rules of Evidence to the proceeding, and noted the availability of

the administrative record for the Board and the public. Chair Rizzo and Vice Chair Hacker denied the emergency motion.

3 Board Staff Introduction of Appeal

00:32:40

Senior Staff Engineer Linda Ocampo presented on the Temporary Authorization regulations and relevant proceedings, the Board's regulations, and the administrative record.

4 Appellant Presentation

00:48:05

Clean Air Coalition of North Whittier and Avocado Heights (Appellant) presented, represented by Angela Johnson Meszaros (Counsel) of Earthjustice.

5 DTSC Presentation

01:27:05

DTSC'S Senior Counsel Leah White and Permitting Division Manager Wayne Lorentzen presented on behalf of DTSC's Permitting Division.

6 Permittee Presentation

02:14:16

Ecobat Resources, LLC, a California limited liability company ("Permittee") presented, represented by Matthew Williamson (Counsel) of Manatt, Phelps & Phillips, LLP.

Break was taken from 4:05 p.m.- 4:41 p.m. and a quorum was re-established.

7 Public Comment

02:55:45

The Board heard forty-one (41) public comments. See separate public comment summary document.

8 Closing Comments of All Parties

04:32:27

Closing comments were made by Permittee, DTSC, and Appellant.

9 Q&A From Board Members

04:52:40

Board member questions and discussion.

Break from 7:25 p.m. - 7:44 p.m. and a quorum was re-established.

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10 Board Deliberation and Vote

05:41:20

Member Bhatia motioned to grant the appeal.

Member Ruiz seconded the motion.

Motion passed four ayes and one nay.

Member	Aye	Nay	Abstain	Absent	Recusal
Member Bhatia	X				
Member Gomez	X				
Chair Rizzo	X				
Member Ruiz	X				
Vice Chair Hacker		X			

11 Hearing Adjourned

05:52:40

Chair Rizzo affirmed that the Board's decision to grant the appeal is effective immediately and directed Board staff to prepare the Final Order for issuance within 30 days.

Hearing adjourned at 8:01 pm.