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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

BEFORE THE HEARING BOARD OF THE  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

**In the Matter of**

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT,

Petitioner,

GOLDMINE METAL RECYCLING  
[Facility ID No. 182657],

Respondent.

CASE NO. 6273-1

**[PROPOSED] FINDINGS AND  
DECISION FOR AN ORDER FOR  
ABATEMENT**

**Rule 403**

Date: July 30, 2025  
Time: 9:30 a.m.  
Place: Hearing Board  
South Coast AQMD  
21865 Copley Drive  
Diamond Bar, CA 91765

**FINDINGS AND DECISION OF THE HEARING BOARD**

This petition for an Order for Abatement was heard on July 30, 2025, pursuant to notice and in accordance with the provisions of South Coast Air Quality Management District ("South Coast AQMD") Rule 812. The following members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Vice Chair; Mohan Balagopalan; Jerry P. Abraham, MD, MPH, CMQ; and Cynthia Verdugo-Peralta. Petitioner, Executive Officer of the South Coast AQMD was represented by Kathryn Roberts, Principal Deputy District Counsel, and Kathleen Mitchell, Legal Intern. Respondent, Goldmine Metal Recycling ("Goldmine" or "Respondent") was represented by Ana Jacobo, Owner. The public was given an opportunity to testify. Evidence was received and the matter was submitted.

1  
2 The Hearing Board finds and decides:

3 1. Petitioner is a body corporate and politic established and existing pursuant to  
4 Health and Safety Code §§ 40000, *et seq.* and §§ 40400, *et seq.*, and is the sole and exclusive local  
5 agency with the responsibility for comprehensive air pollution control in the South Coast Basin.

6 2. Respondent, with Facility ID of 182657, operates a bulk materials supply and  
7 storage company located at 7129 ½ Vineland Ave. in North Hollywood, within the jurisdiction of  
8 the South Coast AQMD, and subject to the rules and regulations thereof.

9 3. **South Coast AQMD Rule 403(d)(1)(A)** requires that, “No person shall cause or  
10 allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed  
11 surface area such that: (A) the dust remains visible in the atmosphere beyond the property line of  
12 the emission source. . .”

13 4. **South Coast AQMD Rule 403(d)(2)** requires that “no person shall conduct active  
14 operations without utilizing the applicable best available control measures included in Table 1 of  
15 this Rule to minimize fugitive dust emissions from each fugitive dust source type within the active  
16 operation.” **Control Measure 14-2** under the “Stockpiles/Bulk Material Handling” source  
17 category, in **Table 1** states: “Stockpiles within 100 yards of off-site occupied buildings must not  
18 be greater than eight feet in height; or must have a road bladed to the top to allow water truck  
19 access; or must have an operational water irrigation system that is capable of complete stockpile  
20 coverage.”

21 5. **South Coast AQMD Rule 403(d)(4)** requires that, “No person shall allow track-  
22 out to extend 25 feet or more in cumulative length from the point of origin from an active  
23 operation. Notwithstanding the preceding, all track-out from an active operation shall be removed  
24 at the conclusion of each workday or evening shift.”

25 6. Beginning in 2023 and continuing to the present, South Coast AQMD has received  
26 public complaints alleging excessive dust from the Respondent’s operations. As part of the  
27 investigation of complaints received, a South Coast AQMD Compliance Inspector (“Inspector”)  
28 conducted on-site inspections of the Respondent’s facility. Over the course of multiple

1 compliance inspections, Inspectors observed several repeated and persistent violations of Rule  
2 403 that resulted in the issuance of six Notices of Violation (“NOVs”) over a two-year period,  
3 with the most recent issued on June 25, 2025.

4 7. The initial violation the Respondent was cited for was track-out from facility  
5 operations extending more than 25 feet beyond the site boundary, in violation of Rule 403(d)(4)V.

6 8. During a follow-up inspection to assess whether the initial violation had been  
7 resolved, the Inspector determined that the Respondent failed to correct the Rule 403(d)(4)  
8 violation and additionally found that the Respondent failed to implement Control Measure 14-2  
9 under the “Stockpiles/Bulk Material Handling” source category in Table 1 of Rule 403, thereby  
10 violating Rule 403(d)(2) and resulting in the issuance of a second NOV. Specifically, Respondent  
11 was storing materials stacked in excess of the 8 feet requirement, there were no systems in place  
12 (e.g. sprinkler system) to prevent fugitive dust, and the stockpile was located adjacent to a  
13 property line shared by an occupied structure.

14 9. During subsequent inspections initiated in response to ongoing public complaints  
15 alleging excessive dust from the Respondent’s operations, the Inspector found that the  
16 Respondent’s site remained in violation of Rule 403(d)(2) and/or (d)(4). The Inspector  
17 additionally determined that the Respondent failed to comply with Rule 403(d)(1)(A) by  
18 generating visible dust emissions that migrated beyond the property line during the moving and  
19 dumping of broken cement materials into stockpiles. As a result, four additional NOVs citing  
20 these multiple Rule 403 violations were issued between August 2024 and June 2025.

21 10. As part of the compliance inspections, the Inspector discussed the violations with  
22 the Respondent’s site operations manager, including the requirements of Rule 403 and specific  
23 strategies to mitigate fugitive dust, such as installing a sprinkler system. However, despite  
24 multiple discussions and multiple violations, Respondent has to-date not installed any permanent  
25 dust mitigation measures.

26 11. During discussions with Ms. Jacobo regarding Respondents’ compliance, she noted  
27 that the recent fires in Los Angeles have led to an increased throughput of materials requiring on-  
28 site processing. South Coast AQMD agrees that since early 2025 there has been an increase in

throughput at Respondent's Facility. However, this increase has only exacerbated existing fugitive dust issues, as evidenced by multiple confirmed violations over a two-year period, indicating the Respondent was in ongoing violation of South Coast AQMD Rule 403 prior to this increased on-site activity.

### **CONCLUSIONS**

1. The Order for Abatement is not intended to be, nor would it act as, a variance.
2. Respondent is in violation of South Coast AQMD Rule 403.
3. The issuance of an Order for Abatement upon a fully noticed hearing would not constitute a taking of property without due process of law.
4. The issuance of the Order for Abatement is not expected to result in the closing or elimination of an otherwise lawful business, but if it does result in such closure or elimination, it would not be without a corresponding benefit in reducing air contaminants.

### **ORDER AND CONDITIONS**

THEREFORE, subject to and based on the aforesaid Facts, Conclusions, and additional evidence and testimony, and good cause appearing, this Board orders Respondent to refrain from any operation of the Facility that would result in violation of South Coast AQMD Rule 403, or in the alternative, comply with the conditions set forth below:

1. Respondent shall, not later than August 31, 2025, install a fully operational irrigation system capable of watering all areas of the Facility where active operations occur. The irrigation system shall be operated as needed to prevent the emissions of fugitive dust visible in the atmosphere beyond the property line of the Facility.
  - a. Such irrigation system shall include at least one sprinkler head capable of directly and continuously watering each onsite stockpile of eight or more feet in height.
2. Respondent shall, during all operating hours of the Facility, ensure a designated employee or operator thoroughly wets all material to minimize dust both immediately prior to and during unloading from any truck or vehicle, and the loading of material onto any truck or vehicle at the Facility. Respondent shall ensure that employees or operators designated to wet materials are not assigned any other task during active unloading of any truck.
3. Respondent shall clean all visible track-out originating from the Facility, including track-out which extends into any shared driveway and/or public roadway, not less than three (3) times each operating day. At least one such cleaning shall occur after the last

1 vehicle bringing material into the Facility has exited for that operating day. Any track-  
2 out extending 25 feet or more shall be cleaned immediately.

- 3 4. Respondent shall maintain a log of each track-out cleaning performed, including the  
4 date, time, and initials of the performing operator. Respondent shall make such log  
5 available for inspection upon request from the South Coast AQMD. Respondent shall  
6 send the records for the previous month to AQ Inspector II Alexander Carr  
7 ([acarr@aqmd.gov](mailto:acarr@aqmd.gov)) by the first Tuesday of each month, beginning September 2, 2025.  
8  
9 5. The Hearing Board may modify this Order for Abatement without the stipulation of the  
10 parties upon a showing of good cause therefore, and upon making the findings required  
11 by Health and Safety Code Section 42451(a) and District Rule 806(a). Such  
12 modification of the Order shall be made only at a public hearing held upon 10 days  
13 published notice and appropriate written notice to the Respondent and the South Coast  
14 AQMD.
- 15 6. This Order for Abatement is not intended to be, nor will it act as, a variance.  
16 Respondent is subject to all rules and regulations of the South Coast AQMD and to all  
17 applicable provisions of California law. Nothing herein shall be deemed or construed to  
18 limit the authority of the South Coast AQMD to issue Notices of Violation, to seek civil  
19 penalties or injunctive relief, or to other administrative or legal relief.  
20  
21 7. The Hearing Board shall retain jurisdiction over this matter until June 30, 2026.

22 Good cause appearing, it is so ordered.

23 For the Board: \_\_\_\_\_

24 Date Signed: \_\_\_\_\_