



Air Pollution Control District Governing Board

Anne Marie Birkbeck-Garcia Enrique Medina
Marcus Bush Esther Sanchez
Sean Elo-Rivera Jack Shu
Nathan Fletcher Nora Vargas
Georgette Gomez Stephen Whitburn
Consuelo Martinez

**STATEMENT OF PROCEEDINGS
AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD
FRIDAY, MAY 7, 2021, AT 1:30 P.M.**

A. REGULAR MEETING was called to order at 1:31 p.m.

Present: Board Members Nora Vargas, Chair; Esther Sanchez, Vice-Chair; Anne Marie Birkbeck-Garcia; Marcus Bush; Nathan Fletcher; Georgette Gomez; Consuelo Martinez; Enrique Medina; Jack Shu; also, Robert Reider, Interim Air Pollution Control Officer; Marvice Mazyck, Clerk of the Air Pollution Control District Governing Board, and Paula Forbis, Senior Deputy County Counsel.

Absent: Board Members Sean Elo-Rivera and Stephen Whitburn

B. PUBLIC COMMUNICATION

There were no members of the public that addressed the Board under public communication.

C. Approval of the Statement of Proceedings/Minutes for the San Diego County Air Pollution Control District Governing Board April 16, 2021 meeting.

ACTION

ON MOTION of Member Gomez, seconded by Member Shu, the Air Pollution Control District Governing Board approved the Statement of Proceedings for the meeting of April 16, 2021.

AYES: Bush, Birkbeck-Garcia, Fletcher, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Elo-Rivera and Whitburn

D. INTERIM AIR POLLUTION CONTROL OFFICER REPORT

A report was provided to the Board by the Interim Air Pollution Control Officer

E. AGENDA ITEMS

1. SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT OVERVIEW OF CALIFORNIA STATE AUDITOR REPORT

An overview of the California State Auditor's recent audit of the District will be presented by the District's Executive Staff. As directed by the Joint Legislative Audit Committee, in July 2020 the California State Auditor completed an audit to review the District's financial transparency, cost recovery for its permitting program, and public outreach and interaction with the public regarding decisions that affect air quality. The District is currently working to implement the California State Auditor's recommendations.

The California State Auditor's final audit report is available at

<https://www.sdapcd.org/content/dam/sdc/apcd/PDF/Misc/APCD-California-Auditor-Report-2019-127.pdf>

ACTION

The Board received the San Diego County Air Pollution Control District Overview of California State Auditor Report.

2. DIRECT THE INTERIM AIR POLLUTION CONTROL OFFICER TO IMPLEMENT THE RECOMMENDED COST RECOVERY SCENARIO 4

The District hired Matrix Consulting Group to conduct a cost recovery study of its permitting and other services. The results of this study provide the District with a tool for understanding current service levels and the cost and demand for those services. In order for the District to help achieve cost recovery for its services there are several options that the District can pursue. The Cost Recovery and Fee Analysis Report identifies and evaluates five different scenario options related to current and future cost recovery levels. The five scenarios range from no changes to targeted increases in fees for permits and other services. Based on the scenarios evaluated, the Matrix Consulting Group recommends that the District implement scenario 4.

Report Excerpt:

“.....this scenario [4] immediately increases [permit] fee-related revenue, but provides a phased fee increase approach, allowing for a more targeted approach for fee increases by lower fee increases for [permit] renewal fees (affecting a majority of District permit holders) and higher fee increases for new [permit] applications and application modifications. As such, this approach combines advantages for both internal (District) and external (fee payers) stakeholders...”

Today’s request is to direct the Interim Air Pollution Control Officer to implement a regulatory process, which includes industry and community partners, to amend Rules 40 and 42 consistent with “Scenario 4” as described in the Cost Recovery and Fee Analysis Consolidated Report.

ACTION

ON MOTION of Member Shu, seconded by Member Gomez, the Air Pollution Control District Governing Board formed a Cost Recovery Taskforce consisting of Board Members Shu, Gomez, and Medina, to work directly with APCD staff and Matrix Consulting Group to identify the best scenario and return to the Board on May 21, 2021 with recommendations for adoption.

AYES: Bush, Birkbeck-Garcia, Fletcher, Gomez, Martinez, Medina, Sanchez, Shu, Vargas
ABSENT: Elo-Rivera and Whitburn

3. 2019 AND 2020 AIR TOXICS “HOT SPOTS” PROGRAM REPORT FOR SAN DIEGO COUNTY

In 1987, the California legislature adopted the Air Toxics “Hot Spots” Information and Assessment Act (Hot Spots Act). It established requirements for stationary industrial sources to estimate their emissions of toxic air contaminants; evaluate the potential public health risks of exposure to those emissions; notify impacted communities when health risks exceed specified thresholds; and implement measures as necessary to reduce significant health risks.

The San Diego County Air Pollution Control District (District) is responsible for implementing these requirements in San Diego County. The California Air Resources Board (CARB) and Office of Environmental Health Hazard Assessment (OEHHA) provide statewide

implementation guidance. In general, the guidance establishes health-protective assumptions and methodologies to ensure that potential health risks are not underestimated. Moreover, in 2015, OEHHA adopted changes to its guidance and methodologies that generally result in an increase in calculated health risk compared to previously estimated risk.

Under State law, the District is required to prepare an annual report of activities and outcomes related to this program. The District prepared the 2019 and 2020 Air Toxics Hot Spots Program Report for San Diego County (Attachment A), which addresses two consecutive years of activities. The District released a draft report for public review on April 1, 2021, and hosted a virtual public meeting on April 22, 2021, to discuss the report, answer questions, and receive public input.

The report describes in more detail the District's ongoing efforts to regulate and reduce air toxic emissions from stationary industrial sources and includes the following information:

- *The type and quantity of toxic air contaminant emissions from each facility that was inventoried. Approximately 2,600 facilities were inventoried in 2019 and 2020.*
- *A list of facilities that were required to conduct a Health Risk Assessment, which quantifies the potential health risks attributable to their emissions. Approximately 50 facilities were required to conduct a health risk assessment in 2019 and 2020.*
- *A list of facilities that were required to implement public notification and/or risk reduction requirements under District Rule 1210, which establishes the public notification and risk reduction thresholds and procedures for our region. Currently three facilities are subject to public notification and risk reduction requirements and six facilities are subject solely to public notification requirements.*

ACTION

ON MOTION of Member Gomez, seconded by Member Martinez, the Air Pollution Control District Governing Board continued this item to May 21, 2021, requesting an amended 2019 and 2020 Air Toxics Hot Spots Program Report for San Diego County that includes a glossary, map, and incorporates recommendations made by the Environmental Health Coalition.

AYES: Bush, Birkbeck-Garcia, Fletcher, Gomez, Martinez, Medina, Shu, Vargas

ABSENT: Elo-Rivera, Whitburn, Sanchez

The Board adjourned the May 7, 2021 meeting at 4:22 p.m.

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Air Pollution Control District Governing Board on the matters stated.