

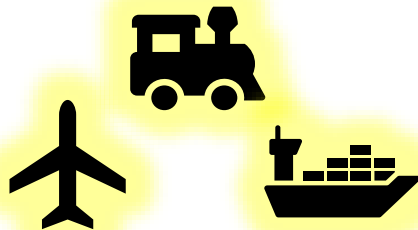
Item 3: Legal Authorities and Responsibilities of the Governing Board and Hearing Board of the Air Pollution Control District

Air Pollution Regulatory Agencies

Federal



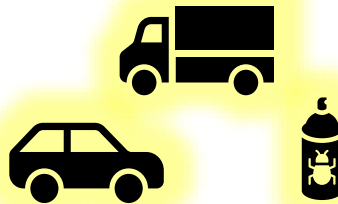
Regulates interstate mobile sources of air pollution throughout the nation



State



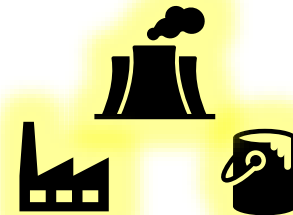
Regulates mobile & other sources of air pollution in California



Local



Regulates stationary & areawide sources of air pollution in the San Diego region



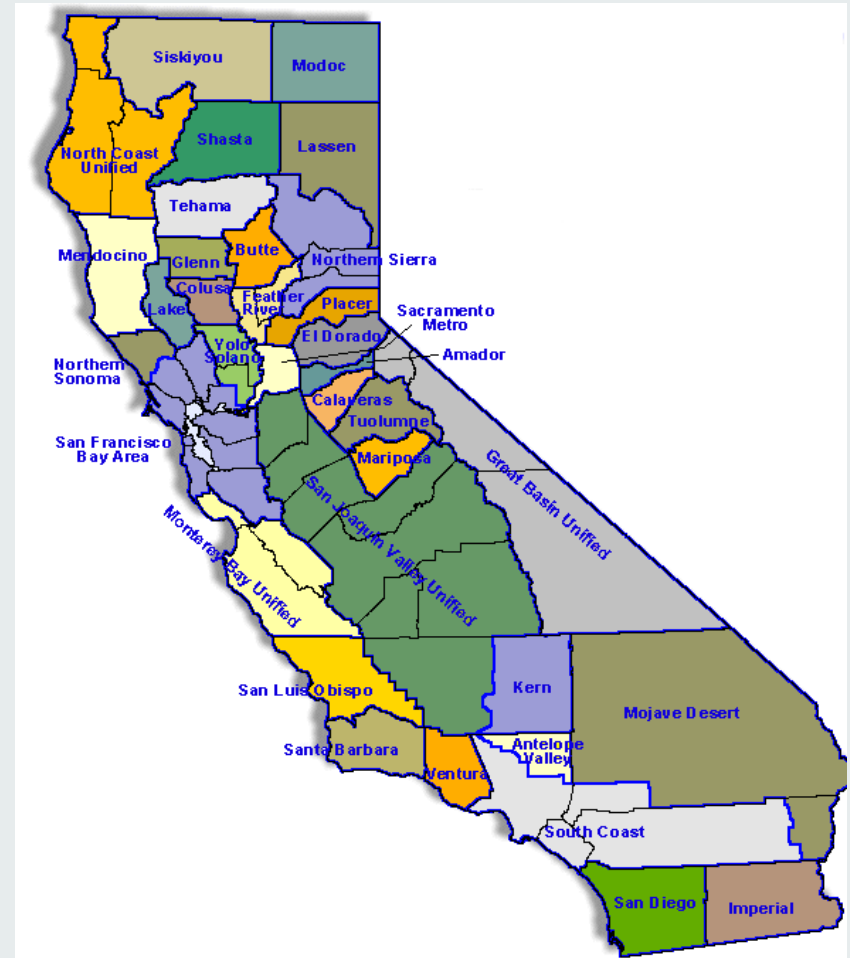
What is an Air District?

- “A district is a body corporate and politic, and a public entity of the state.”
- A local authority with primary responsibility for control of air pollution from all sources, other than vehicular sources.
- A “local air pollution control agency” as defined in the federal Clean Air Act.

California Air Districts

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- California is divided into 35 independent air pollution control districts
- Each has similar authority & primary responsibility for regulating stationary sources of air pollution in its district



General Responsibilities of Air Districts

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- Adopt and enforce rules and regulations to achieve and maintain state and federal ambient air quality standards;
- Do such acts “as necessary and proper” to fulfill legal mandates, including:
 - Federal Clean Air Act;
 - California Clean Air Act;
 - Federal and state regulations.

General Authorities of Air Districts

- Broad governmental powers to fulfill responsibilities:
 - To perpetual succession;
 - To sue and be sued in the name of the district;
 - To purchase, lease, or hold real or personal property;
 - To contract with any federal, state, local government or private entities as “necessary and proper” for its purposes; and
 - To require the owner or operator of any air pollution source to provide data needed to estimate the pollution from that source.

Funding for Air Districts

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- Sources of Funding:
 - Grants
 - Subventions
 - Permit Fees
 - Penalties
 - Motor Vehicle Fees
 - Per Capita Assessment

Organization of Air Districts

- In general, Air Districts have three levels of government:
 - Legislative: APCD Governing Board
 - Executive: Air Pollution Control Officer
 - Judicial: APCD Hearing Board

APCD Governing Board

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- Legislative function
 - Adopts the Rules and Regulations of the District
 - Adopts Air Quality attainment plans
 - Adopts the permit program
 - Adopts the annual budget and schedule of fees
 - Appoints the APCO and Hearing Board members
 - Determines the number of APCD employees
 - Determines employee compensation (with County)
- Limited Judicial Function- Order for Abatement

Air Pollution Control Officer

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- Executive Function Established in State Law
 - Appoints all personnel necessary to carry out the District duties (with County processes)
 - Observes and Enforces:
 - Air quality laws within District jurisdiction
 - All orders, regulations, and rules adopted by the Governing Board
 - All variances and standards adopted by the Hearing Board
 - All permit conditions imposed by the permitting program
- Limited Judicial Function- Interim Abatement Order

APCO- Delegated Authority

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- Request County Counsel to initiate enforcement actions
 - County Counsel has delegated authority to file suit upon request of APCO
- Apply for and accept state and federal grant funding
- Implement grant programs in accordance with state program requirements
- Enter into site lease agreements for monitoring stations

APCD Hearing Board

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- Judicial Function- Considers the following:
 - Permit Appeals
 - Permit actions granted or denied by the District
 - Can be from permittee or the public
 - Variances
 - Requests from facilities for a waiver of District permit or rule requirements
 - Limited in state law
 - Abatement Orders
 - Requests for an order to a facility to cease violation
 - Upon motion of APCO or Governing Board

Checks and Balances

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- External
 - California Air Resources Board and U.S. EPA both have authority to step in if District does not fulfill legal mandates
 - Court review of legal challenges to District actions
- Internal
 - Governing Board adopts rules
 - APCO issues permits and enforces the rules
 - Hearing Board considers permit appeals and requests for variances from rules
 - Governing Board appoints APCO and controls budget
 - Governing Board appoints Hearing Board members

Vision & Mission



Item 3: Legal Authorities and Responsibilities of the Governing Board and Hearing Board of the Air Pollution Control District