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

<table>
<thead>
<tr>
<th>Federal</th>
<th>State</th>
<th>Local</th>
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<tbody>
<tr>
<td><img src="image" alt="Federal Logo" /></td>
<td><img src="image" alt="State Logo" /></td>
<td><img src="image" alt="Local Logo" /></td>
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<tr>
<td>Regulates interstate mobile sources of air pollution throughout the nation</td>
<td>Regulates mobile &amp; other sources of air pollution in California</td>
<td>Regulates stationary &amp; areawide sources of air pollution in the San Diego region</td>
</tr>
</tbody>
</table>
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

- 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
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

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

- **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

- **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

- 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
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

- **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

**Vision**
Clean air for all

**Mission**
Improve air quality to protect public health and the environment
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