

Air Pollution Control District Governing Board
San Diego County Air Pollution Control District
AGENDA ITEM # 03

DATE: September 9, 2021

TO: Air Pollution Control District Governing Board

SUBJECT:

2020 PERMITTING ACTIONS REPORT REQUIRED BY ASSEMBLY BILL 423

REQUESTED ACTION:

Receive and consider the 2020 Permitting Actions report and comment on staff's proposed recommendations to enhance transparency and public engagement in District permitting actions.

OVERVIEW:

California Assembly Bill 423 (Gloria, 2019) amended State law to restructure the Governing Board of the San Diego County Air Pollution Control District (District) and to establish duties for the District to increase transparency and public engagement.

The 2020 Permitting Actions report (Attachment A) was prepared to fulfill one of the mandates in AB 423, which requires the District to prepare a report by July 1, 2021 for the Governing Board's consideration. Specifically, the District was required to report all actions taken on applications for Authorities to Construct or Permits to Operate in the 2020 calendar year, including the number of applications, timing of actions on applications, and number of public comments submitted. Further, this report was prepared to assist the Governing Board in considering possible amendments to District's rules to ensure adequate opportunity for public comments on permit applications within the District's deadline for action on applications.

In 2020 the District received 451 permit applications and completed 777 permitting actions. Permitting actions include issuance of an Authority to Construct, if the District determines that the project meets all applicable air quality requirements, and the subsequent issuance of a Permit to Operate, which contains conditions with emission limitations and other requirements to ensure ongoing compliance with air quality rules and regulations. For all permitting actions in 2020, the District only received 6 comments from the public. Based on these numbers, there are opportunities to enhance public engagement. In July of 2020, as required by AB 423, the District started posting the permit applications on its website. However, website posting alone will not meet the District's goals of ensuring that all public members are aware of where to find permit applications and how they can engage with the District to provide comments and obtain more information. District staff thus recommends the following strategies to enhance public engagement:

- Develop a Public Participation Plan that establishes a comprehensive outreach process to inform all communities about the District's roles and responsibilities related to permitting requirements and processes, and how community members can inquire and submit comments regarding permit applications under District review.

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- Consider revisions to District Rule 15-*Permit Process-Public Notification* to provide further opportunities for all members of the public to stay engaged in the permitting process by receiving informative updates and understanding how to provide comments and to inquire about projects in their community.
- Further evaluate the District's website to ensure it is informative and user-friendly.

Today's action is for the Governing Board to receive and consider the 2020 Permitting Actions report, and provide feedback to District staff regarding the proposed recommendations to further enhance public outreach and engagement related to District permitting. The proposed Public Participation Plan, and any proposed changes to District Rule 15 would be brought back for Governing Board consideration and adoption at a future meeting.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

ENVIRONMENTAL STATEMENT:

Pursuant to Section 15060(c)(2) of the California Environmental Quality Act (CEQA) Guidelines, CEQA applies only to government actions that will result in a direct or reasonably foreseeable indirect physical change in the environment. The consideration of the 2020 Permitting Actions report and proposed recommendations is not a project subject to CEQA; CEQA does not apply to this action.

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

PUBLIC ENGAGEMENT AND OUTREACH:

On June 29, 2021, the District published a draft of the 2020 Permitting Actions report and held a virtual public meeting on July 29, 2021 to discuss the report and proposed recommendations and to obtain input from the public on how the District can enhance public engagement.

Public meeting outreach was conducted by posting the meeting notice and draft of the 2020 Permitting Actions report on the District's website (in English and Spanish) and by reaching out to: (1) multiple organizations and committees such as Environmental Health Coalition, Industrial Environmental Association, Casa Familiar, San Diego Unified School District, and the Portside Environmental Justice Steering Committee; (2) District permit holders; (3) about 4,000 e-mail addresses via the District's GovDelivery email subscription service; (4) about 1,000 members of the public who have reported air quality complaints to the District; and (5) other stakeholders and members of the public via social media (Facebook and Twitter).

Approximately 20 participants attended the public meeting including representatives of community organizations, regulated sources, and members of the public. Spanish interpretation services were provided during the meeting. Additionally, the meeting was recorded and is available

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on the District's YouTube Channel¹. The District requested written comments related to the permitting report by August 20, 2021.

The District addressed general questions and comments during the public meeting. Additionally, written comments were submitted proposing some revisions to the report and recommendations related to the proposed strategies to enhance public engagement. All proposed revisions were incorporated into the report. The recommendations regarding the proposed strategies are being evaluated and will be brought back for Governing Board consideration and adoption at a future meeting. The District concluded that it needs to provide multiple ways for the public to obtain information related to permitting requirements, including online and in-person services, which will be addressed by the proposed recommendations.

ATTACHMENT(S):

Attachment A – 2020 Permitting Actions report

SUBMITTED BY:

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¹ [Proposed Draft Permitting Report - YouTube](#)