

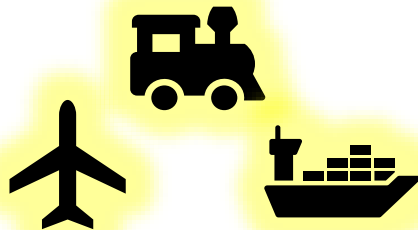
# **Item 3: Legal Authorities and Responsibilities of the Governing Board and Hearing Board of the Air Pollution Control District**

# Air Pollution Regulatory Agencies

## Federal



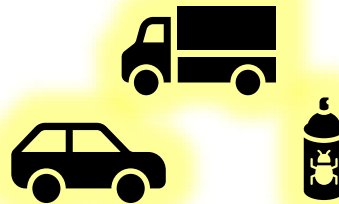
Regulates interstate mobile sources of air pollution throughout the nation



## State



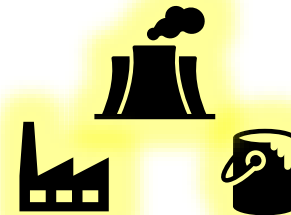
Regulates mobile & other sources of air pollution in California



## Local



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



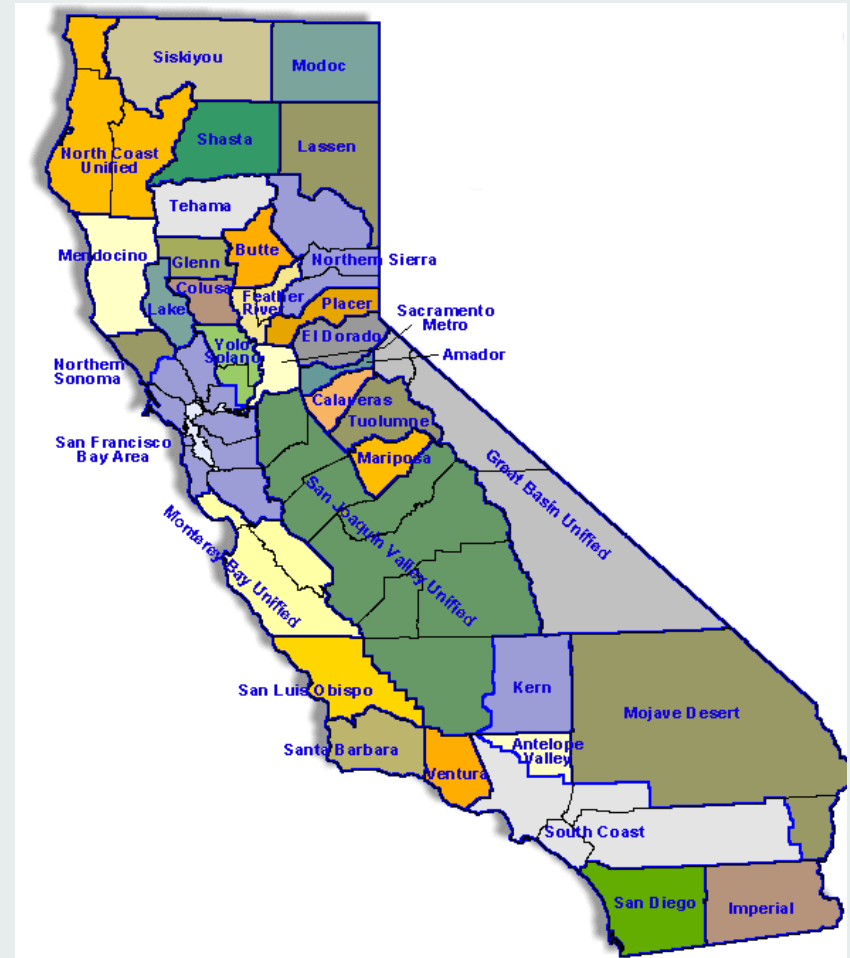
# What is an Air District?

- “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

- 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**