



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, JULY 16, 2021, AT 1:30 P.M.**

- A. **REGULAR MEETING** was called to order at 1:32 p.m.
Present: Board Members Nora Vargas, Chair; Esther Sanchez, Vice-Chair; Anne Marie Birkbeck-Garcia; Sean Elo-Rivera; Nathan Fletcher; Georgette Gomez; Consuelo Martinez, Enrique Medina; Jack Shu; Stephen Whitburn; 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: Marcus Bush
- B. **PUBLIC COMMUNICATION**
There was no public testimony on this item.
- C. Approval of the Statement of Proceedings/Minutes for the San Diego County Air Pollution Control District Governing Board June 18, 2021, meeting.

ACTION

ON MOTION of Member Birkbeck-Garcia, seconded by Member Gomez, the Air Pollution Control District Governing Board approved the Statement of Proceedings for the meeting of June 18, 2021.

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

ABSENT: Bush

- 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. **RESOLUTION AMENDING THE DATES AND TIMES FOR REGULAR MEETINGS OF THE AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD IN 2021**
On April 2, 2021 (04), the Board adopted the 2021 Air Pollution Control District Governing Board regular meeting calendar. Chair Vargas is requesting the Board’s adoption of a resolution amending the meeting calendar.

ACTION 1:

ON MOTION of Member Shu, seconded by Member Birkbeck-Garcia, the Air Pollution Control District Governing Board took action as recommended, adopting Resolution No. 21-003 entitled RESOLUTION AMENDING THE DATES AND TIMES FOR REGULAR MEETINGS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD FOR CALENDAR YEAR 2021.

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

ABSENT: Bush

2. UPDATE ON AFTER-ACTION REVIEW OF THE NAVY VESSEL FIRE

An update on the APCD's activities related to the July 2020 fire aboard the Navy's USS Bonhomme Richard and efforts to better prepare the APCD for future incidents will be presented by APCD staff.

ACTION 2:

The Air Pollution Control District Governing Board received the update on After-Action Review of the Navy Vessel Fire.

3. PORTSIDE COMMUNITY EMISSIONS REDUCTION PLAN - PHASE II

Assembly Bill 617 (AB 617) was signed into law in 2017, requiring new community-driven actions to improve air quality in disadvantaged communities. These actions include developing and implementing a community emissions reduction plan (CERP). AB 617 requires the California Air Resources Board (CARB) to work with air districts, community groups and others to select locations around the state where the air district will work with communities to improve local air quality. The San Diego County Air Pollution Control District (APCD) nominated, and CARB selected, the "Community of Portside Environmental Justice Neighborhoods" (Portside community) comprising Barrio Logan, Logan Heights, Sherman Heights and western National City to participate in this program. The Portside community was selected because it experiences disproportionate burdens from exposure to air pollution in higher levels than most communities in California due to environmental, health, and socioeconomic factors, according to the State's environmental health screening tool (CalEnviroScreen, version 3.0).

APCD convened a multi-stakeholder Portside Community Steering Committee (CSC) to hold regular, public meetings to discuss community air concerns and potential solutions. The CSC includes community residents, community-based organizations, industry representatives, and public agencies' staff, and is the driving force behind CERP development in collaboration with APCD. The CERP was completed in two phases. Phase I included early actions approved by the Air Pollution Control Board on November 18, 2020 (AP01). Phase II, subject to today's approval, includes the completion of a comprehensive CERP (Attachment A) that fulfills State requirements including a community profile and a suite of proposed goals and actions to improve air quality and reduce exposure to air pollution in the community. A summary of the overall goals and actions is included as Attachment B. Some of the strategies in the CERP fall outside of the APCD's purview and the authority to approve and implement them lies with other public agencies. In those cases, the CERP identifies advocacy strategies that APCD and the CSC will follow to support and advocate for the specified actions of other public agencies.

Today's request is to approve Phase II of the CERP. Today's request also includes the authorization to submit the CERP to CARB for final State approval; to advocate for programs, plans, and regulations that support the actions, strategies, and goals identified in the CERP; and to apply for and receive grant funding that supports the implementation of strategies and actions in the CERP.

ACTION 3:

ON MOTION of Member Medina, seconded by Member Vargas, the Air Pollution Control District Governing Board took the following actions:

1. Found that the proposed actions are exempt from the provisions of the California Environmental Quality Act in accordance with staff analysis.
2. Approved the Community Emissions Reduction Plan (CERP) and directed the Interim Air Pollution Control Officer or designee to submit the CERP to the California Air Resources Board for final State approval.
3. Authorized the Interim Air Pollution Control Officer or designee to work with the Portside Community Steering Committee and partner agencies to update the CERP as necessary to reflect potential changes, including updates to data, goals, priorities, or actions during implementation.
4. Authorized the Interim Air Pollution Control Officer or designee to advocate for programs, plans, and regulations that support the actions, strategies, and goals identified in the CERP.
5. Authorized the Interim Air Pollution Control Officer or designee to apply for and receive grant funding that supports the implementation of strategies and actions in the CERP.

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

ABSENT: Bush

4. **OVERVIEW OF THE PORT'S DRAFT MARITIME CLEAN AIR STRATEGY**

An overview of the Port of San Diego's Draft Maritime Clean Air Strategy (MCAS) will be presented by Port staff.

ACTION 4:

The Air Pollution Control District Governing Board received the Overview of the Port's Draft Maritime Clean Air Strategy.

5. **APPOINTMENT OF MEMBERS TO THE AIR POLLUTION CONTROL DISTRICT HEARING BOARD**

California Health and Safety Code Section 40800 provides for the appointment of members to the Air Pollution Control District Hearing Board. The duties of the Hearing Board include consideration of variance requests from permitted entities, permit appeals from permittees or members of the public, and requests for abatement orders. The Hearing Board is made up of five members, which include: one member admitted to practice law in California; one registered professional engineer; one member from the medical profession with specialized skills, training or interests in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine; and two public members. An alternate for each member may also be appointed.

Hearing Board members were previously appointed by the County Board of Supervisors, sitting as the Air Pollution Control Board. The prior procedures for the appointment of Hearing Board members were specific to the Board of Supervisors and did not carry over to the new APCD Governing Board structure. On April 2, 2021, the new Governing Board adopted procedures for the appointment of Hearing Board members, reflected in Attachment B of the Interim Bylaws.

Hearing Board members and their associated alternates are appointed to terms of office for three years. Currently, two of the five Hearing Board members (the attorney member, the medical professional member, and one public member) are serving under expired terms. Accordingly, today's request is for the appointment of the attorney member, the medical professional member, one public member, and their respective alternates to the Hearing Board. In accordance with the procedures, each applicant has been requested to attend the Board meeting and be prepared to make an introductory statement and answer questions from the Board. Applicants will be interviewed individually in the following order: (1) applicants for the attorney member; (2) applicants for the medical professional member; and (3) applicants for the public member. The Board will then consider the appointment of the Hearing Board members and their alternates in the specified order and in accordance with the adopted procedures.

ACTION 5.1

The following applicants were interviewed for the San Diego County Air Pollution Control District Hearing Board Attorney Member position: Hazel Ocampo, Alison Schlick, and Suzanne Varco.

ON MOTION of Member Gomez, seconded by Member Martinez, the Air Pollution Control District Governing Board appointed Alison Schlick as the Attorney Member of the San Diego County Air Pollution Control District Hearing Board and Hazel Ocampo as the San Diego County Air Pollution Control District Hearing Board Alternate Member.

AYES: Birkbeck-Garcia, Elo-Rivera, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Bush, Fletcher, Whitburn

ACTION 5.2

The following applicants were interviewed for the San Diego County Air Pollution Control District Hearing Board Medical Professional Member position: Samantha Hurst and Daniel Spencer.

ON MOTION of Member Sanchez, seconded by Member Medina, the Air Pollution Control District Governing Board appointed Daniel Spencer as the Medical Professional Member of the San Diego County Air Pollution Control District Hearing Board and Samantha Hurst as the San Diego County Air Pollution Control District Hearing Board Alternate Medical Professional Member.

AYES: Birkbeck-Garcia, Elo-Rivera, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Bush, Fletcher, Whitburn

ACTION 5.3

The following applicants were interviewed for the San Diego County Air Pollution Control District Hearing Board Public Member position: Scott Cohen, Jose Gonzalez, Nina Gould, Samantha Hurst, Christopher Pernicano, and Thomas Rappolt.

Noting for the record that Samantha Hurst declined her appointment as APCD Hearing Board Alternate Medical Professional Member; ON MOTION of Member Gomez, seconded by Member Shu, the Air Pollution Control District Governing Board appointed Samantha Hurst as the Public Member of the San Diego County Air Pollution Control District Hearing Board and

Jose Gonzalez as the San Diego County Air Pollution Control District Hearing Board Alternate Public Member.

AYES: Birkbeck-Garcia, Elo-Rivera, Gomez, Martinez, Medina, Shu, Vargas

NOES: Sanchez

ABSENT: Bush, Fletcher, Whitburn

6. CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT (Government Code section 54957)

Title: Interim Air Pollution Control Officer.

ACTION 6:

Special counsel reported that the APCD Governing Board, with all ten members present voting "AYE," and with Member Bush absent, voted to appoint an Interim Air Pollution Control Officer, subject to acceptance by the appointee and completion of necessary employment procedures by the County of San Diego.

The Board adjourned the July 16, 2021, meeting at 6:19 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.