



**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, JUNE 18, 2021, AT 1:30 P.M.**

- A. REGULAR MEETING was called to order at 1:35 p.m.  
Present: Board Members Nora Vargas, Chair; Esther Sanchez, Vice-Chair; Anne Marie Birkbeck-Garcia, Marcus Bush; 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.
- B. PUBLIC COMMUNICATION  
Lydia Pellecer spoke to the Board regarding the BAE Systems Zero Emissions Vehicle in Barrio Logan.
- C. Approval of the Statement of Proceedings/Minutes for the San Diego County Air Pollution Control District Governing Board June 4, 2021 meeting.

**ACTION**

ON MOTION of Member Gomez, seconded by Member Whitburn, the Air Pollution Control District Governing Board approved the Statement of Proceedings for the meeting of June 4, 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. **PUBLIC HEARING: INTERIM AIR POLLUTION CONTROL OFFICER’S PROPOSED BUDGET FOR THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT FOR FISCAL YEAR 2021-22**  
*A public hearing will be conducted on the Interim Air Pollution Control Officer’s proposed budget for the San Diego County Air Pollution Control District (District) for Fiscal Year 2021-22, covering the period July 1, 2021, through June 30, 2022. The proposed budget is balanced, with \$84.3 million in expenditures and revenues and 164 existing positions to advance the District’s mission of improving air quality to protect public health and the environment. A fund balance reserve equal to approximately two months of operating expenditures (\$3.8 million) provides a financial safety net to mitigate current and future risks and ensure core services are maintained.*

*The budget adoption process is specified in State law and requires the Board to hold two public hearings that are separated by at least two weeks. Today’s hearing is the first hearing, held*

*exclusively for the purpose of reviewing the proposed budget and providing the public with the opportunity to comment on it. The second public hearing is scheduled for June 18, 2021, for the purpose of budget adoption. The public may testify during these hearings and submit comments online at [www.sdapcd.org/content/sdc/apcd/en/apcd-cob-agendas-and-meeting-materials-.html](http://www.sdapcd.org/content/sdc/apcd/en/apcd-cob-agendas-and-meeting-materials-.html) or by email to [APCDPublicComment@sdcounty.ca.gov](mailto:APCDPublicComment@sdcounty.ca.gov). Written comments will be accepted until the close of the second public hearing on June 18, 2021.*

*Looking forward, the Board's new Governance Committee will meet in the weeks ahead to identify the agency's key priorities for Fiscal Year 2021-22 and beyond. Additionally, program revenues are projected to increase following the Board's consideration in October 2021 of increases to permit fees and other fees paid by customers for District services. Accordingly, staff will return to the Board this fall with proposed budget adjustments as necessary to align with the Board's priorities and reflect any revenue adjustments and public input.*

**ACTION 1:**

Directing the Interim Air Pollution Control Officer to include in the Resolution that the District will return in the Fall with additional budget recommendations; ON MOTION of Member Gomez, seconded by Member Bush, the Air Pollution Control District Governing Board took action as recommended, adopting Resolution No. 21-002 entitled RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT TO ADOPT THE BUDGET FOR FISCAL YEAR 2021-22.

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

**2. 2019 AND 2020 AIR TOXICS "HOT SPOTS" PROGRAM REPORT FOR SAN DIEGO COUNTY**

*In 1987, the California legislature adopted the Air Toxics "Hot Spots" Information and Assessment Act (Hot Spots Act). It established requirements for stationary industrial sources to estimate their emissions of toxic air contaminants; evaluate the potential public health risks of exposure to those emissions; notify impacted communities when health risks exceed specified thresholds; and implement measures as necessary to reduce significant health risks.*

*The San Diego County Air Pollution Control District (District) is responsible for implementing these requirements in San Diego County. The California Air Resources Board (CARB) and Office of Environmental Health Hazard Assessment (OEHHA) provide statewide implementation guidance. In general, the guidance establishes health-protective assumptions and methodologies to ensure that potential health risks are not underestimated. Moreover, in 2015, OEHHA adopted changes to its guidance and methodologies that generally result in an increase in calculated health risk compared to previously estimated risk.*

*Under State law, the District is required to prepare an annual report of activities and outcomes related to this program. The District prepared the 2019 and 2020 Air Toxics Hot Spots Program Report for San Diego County (Attachment A), which addresses two consecutive years of activities. The District released a draft report for public review on April 1, 2021, and hosted a virtual public meeting on April 22, 2021, to discuss the report, answer questions, and receive public input.*

*A draft report was presented to the San Diego Air Pollution Control Governing Board during a public hearing on May 7, 2021. District staff was directed to amend the report to incorporate recommendations made by the Environmental Health Coalition, in addition to other changes.*

*The report has been revised to include additional information regarding the Program and to describe in more detail: (1) how the District has implemented the requirements of this Program in 2019 and 2020 and (2) the District's ongoing efforts to regulate and reduce air toxic emissions from stationary industrial sources. The revised report includes the following information:*

- *The type and quantity of toxic air contaminant emissions from each facility that was inventoried. Approximately 2,600 facilities were inventoried in 2019 and 2020.*
- *A list of Health Risk Assessments, which quantifies the potential health risks attributable to air toxic emissions, approved by the District in 2019 and 2020, including the health risks, maps (showing where the facilities for which the Health Risk Assessments were approved are located), and the implementation status of public notification and risk reduction requirements.*
- *A list of facilities that were required to conduct a Health Risk Assessment, including maps (showing where these facilities are located) and the status of each Health Risk Assessment request.*
- *A detailed description of key elements of this Program including associated timelines and compliance actions taken by the District when these timelines were not met.*

*A list of facilities that were required to implement public notification and/or risk reduction requirements under District Rule 1210, which establishes the public notification and risk reduction thresholds and procedures for our region. Currently two facilities are subject to public notification and risk reduction requirements and five facilities are subject solely to public notification requirements.*

**ACTION 2:**

ON MOTION of Member Gomez, seconded by Member Shu, the Air Pollution Control District Governing Board considered and authorized the public distribution of the 2019 and 2020 Revised Air Toxics "Hot Spots" report for San Diego County.

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

**3. LEGAL AUTHORITIES & RESPONSIBILITIES OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD AND HEARING BOARD**

*An overview of the legal authorities of the Air Pollution Control District Governing Board and Hearing Board will be presented by APCD Senior Deputy County Counsel Paula Forbis.*

**ACTION 3:**

The Board received the presentation from APCD Senior Deputy County Counsel Paula Forbis.

**4. CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

**(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)**

*Robertson's Ready Mix v. San Diego Air Pollution Control District  
Superior Court for the State of California, County of San Diego*

**ACTION 4:**

County Counsel reported that the APCD Governing Board, with all ten members present voting "AYE", and with Member Whitburn absent, directed County Counsel not to seek appellate review of the Order Granting a Preliminary Injunction issued on April 27, 2021 in the case of *Robertson's Ready Mix v. San Diego Air Pollution Control District, Superior Court for the State of California, County of San Diego, Case No. 37-2021-00001630-CU-MC-CTL*.

The Board adjourned the June 18, 2021 meeting at 3:14 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.