

April 10, 2019

STATEMENT OF PROCEEDINGS

The Minutes of the

***AIR POLLUTION CONTROL BOARD
REGULAR MEETING***

**COUNTY OF SAN DIEGO
AIR POLLUTION CONTROL DISTRICT**

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO AIR POLLUTION CONTROL BOARD
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, APRIL 10, 2019, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

A. REGULAR SESSION: Meeting was called to order at 9:00 a.m.

PRESENT: Members Dianne Jacob, Chairwoman; Kristin Gaspar; Nathan Fletcher; Jim Desmond; also, Andrew Potter, Clerk of the Board of Supervisors.

ABSENT: Vice-Chairman Greg Cox

B. Public Communication: No Speakers

C. Approval of the Statement of Proceedings/Minutes for the meeting of March 27, 2019.

ACTION:

ON MOTION of Member Gaspar, seconded by Member Fletcher, the Air Pollution Control Board of the San Diego County Air Pollution Control District approved the Statement of Proceedings/Minutes for the meeting of March 27, 2019, on Consent.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Agenda Items

Agenda #	Subject
1.	NOTICED PUBLIC HEARING: ADOPT AMENDMENTS TO RULE 40 - PERMIT AND OTHER FEES AND RULE 42 - HEARING BOARD FEES [FUNDING SOURCE: FEES PAID BY CUSTOMERS FOR DISTRICT SERVICES]

**1. SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AMENDMENTS TO RULE 40 - PERMIT AND OTHER FEES
AND RULE 42 - HEARING BOARD FEES (DISTRICTS: ALL)**

OVERVIEW

The mission of the San Diego County Air Pollution Control District (District) is to improve air quality to protect public health and the environment. Accordingly, the District operates a countywide permitting program for stationary (fixed) sources of air pollution pursuant to Federal and State law. Stationary sources encompass large industrial facilities including power plants and landfills and smaller commercial establishments such as gas stations and dry cleaners. A facility's permit outlines the actions they must take to comply with air pollution control requirements and protect air quality, the environment and, especially, public health.

The District recovers the full cost of its services pursuant to Federal and State law and to be consistent with Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery. The District receives no General-Purpose Revenue. Rule 40 sets the fees for District permitting and other services. Rule 42 sets the fees for petitioning the District Hearing Board for various actions, such as permit appeals and variances (temporary relief) from air pollution control requirements.

The District's fees were last updated by the Air Pollution Control Board on April 25, 2018 (AP01). Since that time, the District has continued to provide services to the public at the approved rates through increased efficiencies and process improvements, as well as achieving cost savings in other categories. The fees proposed today for Fiscal Year (FY) 2019-20 will be necessary to address cost increases based on labor agreements with County staff effective November 2017, and to ensure compliance with Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery. This cost recovery proposal also represents the District's commitment to the Air Pollution Control Board (Board) and stakeholders to make recovering costs a regular part of District business, while providing business customers an opportunity to plan for fee increases. If approved, the fee adjustments are projected to increase total annual fee revenue by approximately \$314,000 (3%) in FY 2019-20 compared to the current fee revenue.

Today's requested action is to adopt the proposed amendments to Rules 40 and 42 relating to fees paid by business customers for air quality permits, air pollutant emissions testing, asbestos notifications, permit appeals, and requests for variances from permit requirements. The proposed fee adjustments enable the District to fully and equitably recover the costs of its permitting program and related services, while maintaining high levels of service and compliance with requirements for healthful air quality.

RECOMMENDATION(S)

AIR POLLUTION CONTROL OFFICER

1. Find that the amendment of Rules 40 and 42 is exempt from the California Environmental Quality Act (CEQA) as specified under section 15273 of the CEQA Guidelines as CEQA does not apply to the establishment, modification, structuring, restructuring or approval of fares and other charges by public agencies which are for the purpose of meeting operating expenses.

2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 40 - PERMITS AND OTHER FEES AND RULE 42 - HEARING BOARD FEES, OF REGULATION III OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

FISCAL IMPACT

The proposed increases to fees are not included in the Fiscal Year (FY) 2018-19 Operational Plan in the Air Pollution Control District. If approved, the proposed fee adjustments will result in additional estimated costs and revenue of \$314,000 effective Fiscal Year 2019-20. The funding source is fees paid by customers for District services. There will be no change in net General Fund cost and no additional staff years.

If approved, funds for this request will be included in the Fiscal Year 2019-20 CAO Recommended Operational Plan in the Air Pollution Control District.

BUSINESS IMPACT STATEMENT

If approved, these recommendations will enable the Air Pollution Control District to maintain high quality services to the business community that ensure ongoing compliance with Federal, State and local air pollution control laws. These important services provide a level playing field for businesses and ensure they operate in a manner that protects air quality and public health.

ACTION:

ON MOTION of Member Gaspar, seconded by Member Fletcher, the Air Pollution Control Board of the San Diego County Air Pollution Control District closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 19-047, entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 40 PERMITS AND OTHER FEES AND RULE 42 HEARING BOARD FEES, OF REGULATION III OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

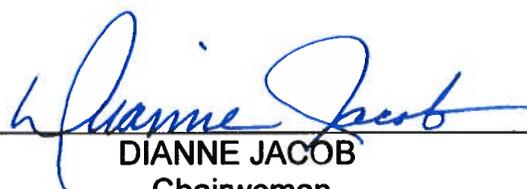
There being no further business, the Air Pollution Control Board of the San Diego County Air Pollution Control District adjourned at 10:41 a.m.

ANDREW POTTER
Air Pollution Control Board
San Diego County Air Pollution Control District

Notes: Santiago

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Air Pollution Control Board on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Members of the Board, on Wednesday, May 22, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

04/10/19 AIR POLLUTION CONTROL BOARD