

October 30, 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, OCTOBER 30, 2019, 9:00 AM

PLEASE NOTE CHANGE IN MEETING LOCATION:
COUNTY OPERATIONS CENTER
CAMPUS CENTER CHAMBERS
5520 OVERLAND AVENUE
SAN DIEGO, CA 92123

A. REGULAR SESSION: Meeting was called to order at 9:01 a.m.

PRESENT: Members Dianne Jacob, Chairwoman; Greg Cox, Vice-Chairman; Kristin Gaspar; Nathan Fletcher; Jim Desmond; also, Erin Demorest, Assistant Clerk of the Board of Supervisors.

B. Public Communication: No Speakers

C. Approval of the Statement of Proceedings/Minutes for the meeting of October 16, 2019.

ACTION:

ON MOTION of Member Gaspar, seconded by Member Desmond, the Air Pollution Control Board of the San Diego County Air Pollution Control District approved the Statement of Proceedings/Minutes for the meeting of October 16, 2019, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

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:
ADOPTION OF AMENDMENTS TO RULE 12.1 - PORTABLE
EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO
RULE 12 - REGISTRATION OF SPECIFIED EQUIPMENT |
| 2. | NOTICED PUBLIC HEARING:
ADOPTION OF AMENDMENTS TO RULE 11 - EXEMPTION FROM
RULE 10 PERMIT REQUIREMENTS |

3. BRINGING 'CLEAN CARS 4 ALL' TO SAN DIEGO COUNTY
[FUNDING SOURCE: STATE GRANTS FROM THE CALIFORNIA
CLIMATE INVESTMENTS PROGRAM AND THE COMMUNITY AIR
PROTECTION PROGRAM (ASSEMBLY BILL 617)]

**1. SUBJECT: NOTICED PUBLIC HEARING:
ADOPTION OF AMENDMENTS TO RULE 12.1 - PORTABLE
EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO
RULE 12 - REGISTRATION OF SPECIFIED EQUIPMENT
(DISTRICTS: ALL)**

OVERVIEW

This is a request for the Air Pollution Control Board (Board) to adopt proposed amendments to Rule 12.1 - Portable Equipment Registration and related proposed amendments to Rule 12 - Registration of Specified Equipment to be consistent with recently updated State regulations. These rules provide owners of portable engines and other specified equipment a voluntary mechanism to register their units with the Air Pollution Control District (District) in order to legally operate them throughout the San Diego region without having to obtain a Permit to Operate for each location, as would otherwise be required under District Rule 10 - Permits Required.

The District's portable equipment registration program has been in place since May 21, 1997 (AP02, AP03), and provides owners and operators of eligible equipment with a streamlined alternative to the process of obtaining a District Permit to Operate. Registered units are exempt from certain procedural requirements that are typically imposed as a result of permitting, but they remain subject to air pollution control standards and operational requirements to ensure the protection of air quality and public health. Registration provides businesses with operational flexibility and monetary savings for their eligible equipment because they can operate throughout the county without having to obtain a separate Permit to Operate for each location where they do work.

The proposed amendments to Rule 12.1 include new and revised definitions, remove outdated provisions, clarify equipment eligibility requirements, reduce the allowable particulate matter emissions from registered equipment, and further clarify and update other rule provisions as necessary to align with current State regulations and other District rules. Additionally, the proposed amendments would transfer the existing provisions for the registration of rock drills from Rule 12 - Registration of Specified Equipment to Rule 12.1 - Portable Equipment Registration. This change is being proposed because rock drills, which are used in the aggregate and construction industries, are portable and therefore are better suited for registration under Rule 12.1.

The proposed rule amendments were developed in collaboration with the California Air Resources Board and with input from local facilities, equipment owners and operators, and the public. District staff conducted a public workshop to solicit input from affected parties. Workshop participants requested clarifications and were not opposed to the proposed rule amendments.

RECOMMENDATION(S)

AIR POLLUTION CONTROL OFFICER

1. Find that the adoption of the proposed amendments to Rule 12.1 - Portable Equipment Registration and Rule 12 - Registration of Specified Equipment is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, where the regulatory process involves procedures for the protection of the environment, and pursuant to Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 12.1 - PORTABLE EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO RULE 12 - REGISTRATION OF SPECIFIED EQUIPMENT, OF REGULATION II OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

FISCAL IMPACT

There is no fiscal impact associated with the recommended actions. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Adopting the proposed amendments to Rules 12.1 and 12 will not adversely impact the business community. These rules provide voluntary mechanisms to register certain equipment in lieu of obtaining a permit to operate. The proposed rule amendments improve clarity and consistency with corresponding State regulations, increasing regulatory certainty for local businesses.

ACTION:

ON MOTION of Member Gaspar, seconded by Member Desmond, 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. 19-170, entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 12.1 PORTABLE EQUIPMENT REGISTRATION, AND RELATED AMENDMENTS TO RULE 12 REGISTRATION OF SPECIFIED EQUIPMENT, OF REGULATION II OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

2. **SUBJECT: NOTICED PUBLIC HEARING:
ADOPTION OF AMENDMENTS TO RULE 11 - EXEMPTION FROM
RULE 10 PERMIT REQUIREMENTS (DISTRICTS: ALL)**

OVERVIEW

This is a request for the Air Pollution Control Board to adopt proposed amendments to Air Pollution Control District (District) Rule 11 - Exemptions from Rule 10 Permit Requirements. Rule 11 is an administrative rule that provides certain, low air pollution emitting equipment, operations and processes that have negligible or no effects on air quality with an exemption from the requirement to have a District permit to operate under Rule 10 (Permits Required).

The permit exemptions of District Rule 11 were last updated on May 11, 2016 (AP01), but since that time, District staff has identified two additional types of operations that emit negligible amounts of air pollutants and thus are now proposed for inclusion in Rule 11, where they would be exempt from District permit requirements. These are low-emitting solvent cleaning operations using solvent containing 25 grams or less of volatile organic compounds (VOC) per liter of solvent. Specifically, these are cold solvent degreasing, vapor degreasing and stripping operations that have negligible or zero VOC emissions (a precursor to ozone) and have essentially no effect on ozone concentrations in the region. This proposed exemption is in place in many other air districts and relieves affected businesses of the need to have an air district permit. If approved, this exemption would enable approximately 450 solvent cleaning permits to be retired (i.e. eliminated) because the equipment uses low VOC solvents and District permits to operate would no longer be required.

An additional exemption is proposed for low-emitting polyester resin operations emitting 150 pounds or less of VOC per year. This permit exemption is proposed for consistency with exemptions currently in place for small, low-emitting coating operations. Currently, no existing permitted polyester resin operation in the region would qualify for this proposed exemption.

Additional amendments to Rule 11 are also proposed in order to further update and clarify the rule requirements.

The proposed amendments to Rule 11 were developed in collaboration with the U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) and with input from local facilities and the public. If approved, the amended rule will be submitted to the EPA through CARB for approval as part of the State Implementation Plan for attaining and maintaining air quality standards in the San Diego region.

RECOMMENDATION(S)

AIR POLLUTION CONTROL OFFICER

1. Find that the adoption of the proposed amendments to Rule 11 is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Adopt the Resolution entitled:
RESOLUTION ADOPTING AMENDMENTS TO RULE 11 - EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS, OF REGULATION II OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

FISCAL IMPACT

If all eligible 450 solvent cleaning permits were to be retired, there would be approximately \$40,000 in lost fee revenue in Fiscal Year 2019-20, which would be offset by cost savings from the elimination of permit processing and compliance inspections for that equipment. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Adopting the proposed amendments to Rule 11 will not adversely impact the business community. If approved, the proposed amendments will add permit exemptions for two additional categories of sources under specified conditions and further clarify and update the rule requirements.

ACTION:

ON MOTION of Member Gaspar, seconded by Member Desmond, 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. 19-171, entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 11 EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS, OF REGULATION II OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. SUBJECT: BRINGING 'CLEAN CARS 4 ALL' TO SAN DIEGO COUNTY (DISTRICTS: ALL)

OVERVIEW

'Clean Cars 4 All' is a cap-and-trade funded program that provides an incentive for low-income residents in communities disproportionately burdened by pollution to retire their older vehicle and replace it with a low or zero emission vehicle alternative, or receive a voucher for the use of alternative mobility options such as public transit, car sharing, bike sharing or to purchase an electric bicycle. Today's action would authorize the San Diego Air Pollution Control District to implement the program as well as secure state funding for the program.

The goal of the program is to provide an option to replace higher polluting, older vehicles with clean air vehicles. Technology is improving, but lower emission vehicles can still be too expensive even with state and federal incentives. Clean Cars 4 All provides an additional incentive to help ensure that low and zero emission vehicles are available for low-income residents in neighborhoods most impacted by pollution.

RECOMMENDATION(S)

SUPERVISOR NATHAN FLETCHER

1. Find that it can be seen with certainty that there is no possibility the proposed action may have a significant adverse effect on the environment, and that this action is exempt from the provisions of California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3), as explained the Notice of Exemption in Attachment A.
2. Authorize the Air Pollution Control Officer to apply for and accept funding from the California Air Resources Board for the Clean Cars 4 All Program in San Diego County, and to implement the Program in accordance with State guidelines.
3. Direct the Auditor and Controller to establish an interest-bearing fund in the Air Pollution Control District for the Clean Cars 4 All Fund.

4. Authorize the Director, Department of Purchasing and Contracting, to issue solicitations and to award contracts with vehicle dealers, financial institutions, public transit agencies, and other entities as needed for Program implementation, subject to negotiations and approval of the Air Pollution Control Officer.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2019-20 Operational Plan for the Air Pollution Control District. If approved, this request is projected to result in annual costs and revenue of up to \$5 million, which will be included in future Operational Plans for the Air Pollution Control District. The funding sources are state grants from the California Climate Investments Program and the Community Air Protection Program (Assembly Bill 617). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Member Fletcher, seconded by Member Cox, the Air Pollution Control Board of the San Diego County Air Pollution Control District took action as recommended.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

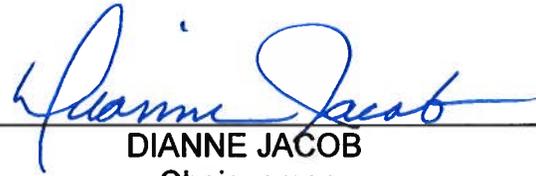
There being no further business, the Air Pollution Control Board of the San Diego County Air Pollution Control District adjourned at 9:39 a.m.

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, November 20, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board