



Legislation Text

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SUBJECT:

INFORMATIONAL PRESENTATION ON THE SAN DIEGO AIR POLLUTION CONTROL DISTRICT'S COMMUNITY AIR PROTECTION PROGRAM AND FORMATION OF ITS PORTSIDE COMMUNITY STEERING COMMITTEE IN RELATION TO ASSEMBLY BILL 617 LEGISLATION

EXECUTIVE SUMMARY:

In September 2018, the California Air Resources Board (CARB) selected the Portside Environmental Justice Neighborhoods (or Portside Community) for community air monitoring as part of Assembly Bill No. 617 (Attachment A - Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017. Nonvehicular air pollution: criteria air pollutants and toxic air contaminants) Community Air Protection Program (or AB 617 Program). According to CARB, "[the AB 617 legislation] requires new community-focused actions that go beyond existing State and regional programs to reduce exposure to air pollution in disproportionately burdened communities throughout the State, including statewide strategies and community-specific emissions reduction programs".¹ The Portside Community includes the neighborhoods of Barrio Logan, West National City, Logan Heights, and Sherman Heights, and it encompasses the area along the District's working waterfront.

The San Diego County Air Pollution Control District (SDADPCD) is implementing the AB 617 Program. Beginning in October 2018, the SDAPCD has convened the Portside Steering Committee on a monthly basis to discuss the number and types of additional air monitoring equipment that could be deployed, the criteria pollutants and toxic air contaminants that the community wants to monitor, as well as potential siting locations for additional air monitoring equipment in the Portside Community.

The District's Tenth Avenue Marine Terminal (TAMT) has been identified as one potential site for additional air monitoring equipment by SDAPCD. The location, duration and type of air monitoring equipment that would potentially be deployed at TAMT is still under discussion, as is the appropriate type of real estate agreement to allow for siting and access to the equipment. However, the air monitoring equipment would need to be sited in an area that did not interfere with terminal operations and the initial term would likely be between three to five years.

RECOMMENDATION:

Receive informational presentation from the San Diego County Air Pollution Control District.

FISCAL IMPACT:

This agenda has no fiscal impact.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.

DISCUSSION:

AB 617 Program and the Role of Steering Committees

CARB is tasked with selecting priority locations in the state for the deployment of community air monitoring equipment and to prepare a statewide strategy to reduce emissions of toxic air contaminants and criteria pollutants in communities most affected by a high cumulative exposure burden. In the communities that are selected, the local air districts are required to deploy a monitoring system by July 1, 2019.

In response to AB 617 legislation, CARB established a new community-focused action framework that is designed to improve air quality and reduce exposure to criteria pollutants and toxic air contaminants in communities most impacted by air pollution. While California has seen tremendous improvement in air quality, CARB recognizes that some communities suffer greater impacts than others by acknowledging:

“Communities near ports, railyards, warehouses, and freeways, for example, experience a higher concentration of air pollution than other areas due to emissions from mobile sources such as cars, trucks, locomotives and ships. Many of the same communities also experience pollution from large industrial facilities such as oil refineries. Proximity to smaller sources like chrome platers, metal recycling facilities, oil and gas operations, agricultural burning and fugitive dust likewise contribute to localized air toxics impacts in many communities across the State”. (Community Air Protection Blueprint, October 2018, page 1).

To jump-start emissions reductions in disproportionately burdened communities, the State’s FY 2017-2018 budget included \$250 million to help clean up heavily polluting mobile sources, like diesel trucks and buses. The State’s budget in the following fiscal year includes an additional \$245 million in funding to continue AB 617 emissions reductions efforts.

A central requirement is for CARB and the air districts to work with local communities to identify what information is already available and what additional data needs to be collected to better understand air quality in their communities. To create new, and foster existing, local partnerships, local air districts are responsible for convening a community steering committee using an open and transparent process. The community steering committee will include community members who live, work, or own businesses within selected communities. Additional members may include:

- Participants from local community-based environmental justice organizations

- Public land use and planning officials
- Transportation agencies
- Local health departments
- Academic researchers
- Labor Organizations

The Portside Community and the District's Participation

The AB 617 Program prioritizes disadvantaged communities² and sensitive receptor locations in the selection process based on air monitoring information, existing public health data, and other relevant information. CARB staff received 120 unique community nominations throughout the State, but only recommended **ten** communities in the program's first year. In April 2018, the SDAPCD nominated the (1) Portside Community and the (2) Community of San Ysidro / Otay Mesa for inclusions into the AB 617 Program. On September 27, 2018, the CARB Board selected the Portside Community to be part of the program for additional **community air monitoring** for the first year of the program (FY17/18).

The Portside Community includes the neighborhoods of Barrio Logan, West National City, Logan Heights, and Sherman Heights, which encompasses the working waterfront along District tidelands (Attachment B- Preliminary Boundaries Map). The Portside Community is identified as having a high cumulative air pollution exposure burden, a significant number of sensitive receptors, and includes census tracts that have been designated as disadvantaged communities. The deployment of community air monitoring stations are intended to assist CARB and APCD staff to better understand source attribution within the Portside Community. Historically, SDAPCD has relied on ten air monitoring stations that are located throughout San Diego County to assess air quality for the entire region. As part of the AB 617 Program, SDAPCD is looking to site between seven to ten additional air monitoring stations entirely within the Portside Community. By strategically deploying these seven to ten additional stations within the Portside Community, CARB and APCD staff hope to have a better understanding of the specific sources of air pollution within the community, so that AB 617 funding can be used to retrofit equipment and/or implement projects and programs to help reduce emissions. Furthermore, the air monitoring stations will enable CARB and APCD staff to evaluate the effectiveness of the AB 617 projects and programs over the long-term.

The AB 617 Steering Committee for the Portside Community currently includes 12 community representatives (e.g., local residents or business owners) and at least one representative from the following agencies listed below. For a complete list of names and alternates, please see Attachment B - Portside Steering Committee Members.

- CALTRANS
- City of San Diego
- Environmental Health Coalition (EHC)
- Greenlighting Institute
- Industrial Environmental Association (IEA)
- Medical Expert
- NASSCO
- National City Chamber of Commerce
- Navy

- Port of San Diego
- SANDAG
- San Diego Gas & Electric (SDG&E)

The Portside Community held its first AB 617 Steering Committee meeting on October 25, 2018, which had over 40 people in attendance. The Portside Community Steering Committee has continued to meet monthly with similar attendance records.

On Monday, November 5, 2018, SDAPCD staff facilitated a vehicular tour of the Portside Community with CARB staff. As part of that tour, District provided SDAPCD and CARB staff access onto the TAMT and NCMT, to show them the types of equipment being used on the terminals and to explain terminal operations. Josefina Balistreri, from the District's Maritime Department, conducted the tour at TAMT; Sofie Sylvestri, from Pasha Automotive, facilitated the NCMT portion of the visit.

District staff continues to work closely with SDAPCD. Based on prevailing wind patterns, TAMT was deemed a strategic location because SDAPCD believes TAMT air monitors will show to what extent pollution is coming into the Portside Community from the north and west. The size and powering requirements of the air monitoring equipment vary, but it tends to be relatively light-weight so it can be moved to different areas within the community, if necessary. SDAPCD staff has been coordinating closely with the District's Maritime staff and Real Estate staff to ensure that there will be no impediments to maritime operations and that the appropriate real estate agreement(s) can be secured. At this time, it appears that there will be six pieces of air monitoring equipment, which be sited within an existing, secured area at the TAMT, as shown on Attachment C - Potential TAMT Site Location and Equipment Types.

To help the Portside Steering Committee identify where other air monitoring stations should be located, SDAPCD has hired a consulting firm to conduct mobile monitoring during the month of February. This process involves installing air quality measurement nodes on low/zero emission vehicles to measure pollution. By making multiple mobile trips on every road within the Portside Community, this technology can identify and rank persistent air quality hotspots within the community.

On-going Coordination and Next Steps

Given the ambitious deadlines established by the State, the AB 617 Steering Committee is scheduled to meet once a month for the next year, with a near-term goal of having several of the Portside Community's air monitoring stations in operation by the July 1, 2019 deadline.

District staff will continue to keep the Board apprised of AB 617 monitoring efforts, as well as recommendations that come out of Portside Community's AB 617 Steering Committee.

General Counsel's Comments:

The General Counsel's Office reviewed this Agenda as presented to it as to form and legality.

Environmental Review:

This informational presentation to the Board does not constitute an "approval" or a "project" under the

definitions set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of its projects and reasonable foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of the Board's direction that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The current Board direction in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

In addition, this Board item complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, this presentation is consistent with the Public Trust Doctrine.

Finally, this presentation does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit (CDP) Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District's CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District's certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The Board's direction in no way limits the exercise of the District's discretion under the District's CDP Regulations.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Attachment(s):

- Attachment A: Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017. Nonvehicular air pollution: criteria air pollutants and toxic air contaminants
- Attachment B: Preliminary Boundaries Map - Portside Community
- Attachment C: Portside Steering Committee Members
- Attachment D: Potential TAMT Site Location and Equipment Types

- ¹ California Air Resources Board. Community Air Protection Blueprint, October 2018.
- ² Disadvantaged Communities shall be based geographic, socioeconomic, public health, and environmental hazards that may include, but not limited to, either of the following:(1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure or environmental degradation; and (2) Areas with concentrations of people that are of low income, high unemployment, low levels of home ownership, high rent burden, sensitive populations, or low levels of educational attainment. (California Health and Safety Code § 39711)