



## Legislation Text

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**File #:** 2021-0317, **Version:** 1

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**DATE:** October 12, 2021

**SUBJECT:**

**RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT TO CONTRIBUTE FUNDS FROM THE MARITIME INDUSTRIAL IMPACT FUND FOR THE PURCHASE OF NEW PORTABLE AIR FILTRATION DEVICES AND AIR MONITORING SYSTEMS IN SUPPORT OF THE PORTSIDE AIR QUALITY IMPROVEMENT AND RELIEF PROGRAM**

**EXECUTIVE SUMMARY:**

On July 12, 2020, a fire erupted on the USS Bonhomme Richard, berthed at Naval Base San Diego, and continued to burn until it was extinguished on July 17, 2020. The fire released significant smoke and pollutants into the area, which impacted the surrounding neighborhoods, particularly those residents of the City of National City and the City of San Diego.

The Board took emergency action at the July 14, 2020 meeting to authorize the expenditure of two-hundred thousand dollars (\$200,000) from the District's Maritime Industrial Impact Fund (MIIF) on services and goods that would provide needed relief to those individuals impacted by the Bonhomme Fire. The use of the \$200,000 from the District's MIIF was authorized to be used in a two-phase approach. Phase 1 utilized \$97,000 of the authorized MIIF expenditures, which involved securing 800 total hotel room nights spread over two nights at participating District hotels to temporarily relocate residents impacted by the fire. The remaining funds (\$103,000) are to be used for Phase 2, which would involve the purchase of residential air filtration equipment for impacted residents.

On August 19, 2020, the San Diego County Board of Supervisors voted to approve a one-time allocation of \$550,000 from the County of San Diego's General Fund for residential air quality monitoring, air purifiers, and data analysis for the Portside Community. The newly established San Diego County Air Pollution Control District (SDAPCD) Portside Air Quality Improvement and Relief (PAIR) Program is being funded by this one-time funding allocation.

The proposed Memorandum of Agreement (MOA) with the San Diego County SDAPCD would contribute \$103,000 of one-time funding from the District's MIIF to the SDAPCD PAIR Program. The intent of the PAIR Program is to provide new portable air filtration devices and indoor air monitoring systems to selected residences within the Portside Community at no cost to participants. All new portable air filtration devices and indoor air monitoring systems will be procured by the SDAPCD and will reduce/remove pollutants found within participating residences to improve indoor air quality.

**RECOMMENDATION:**

Adopt a resolution authorizing the District to enter into a Memorandum of Agreement with the San Diego County Air Pollution Control District to contribute funds from the Maritime Industrial Impact Fund for the purchase of new portable air filtration devices and air monitoring systems in support of the Portside Air Quality Improvement and Relief Program

**FISCAL IMPACT:**

Funds associated with this item are budgeted for in the current fiscal year and are funded through the District's Maritime Industrial Impact Fund. If additional funds associated with this topic are required for future fiscal years, they will be budgeted for in the appropriate year subject to Board approval upon adoption of each fiscal year's budget.

**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 that is a safe place to visit, work and play.

**DISCUSSION:**

**USS Bonhomme Richard Fire**

On July 12, 2020, a fire erupted on the USS Bonhomme Richard, berthed at Naval Base San Diego, and continued to burn until it was extinguished on July 17, 2020. The fire released significant smoke and pollutants into the area, which impacted the surrounding neighborhoods, particularly those residents of the City of National City and the City of San Diego.

The Board took emergency action at the July 14, 2020 meeting to authorize the expenditure of two-hundred thousand dollars (\$200,000) from the District's Maritime Industrial Impact Fund (MIIF) on services and goods that would provide needed relief to those individuals impacted by the fire. The MIIF was established in 2010 to help mitigate impacts, such as diminished air quality, in communities adjacent to the maritime industry and terminals.

Though not responsible for the fire in anyway, the District, City of National City, City of San Diego, the Environmental Health Coalition, and 2-1-1 San Diego partnered to provide relief for households most affected by pollution from the Bonhomme Fire in the 91950, 92113, and 92102 ZIP codes (includes the City of National City and the City of San Diego's Barrio Logan, Logan Heights, and Southcrest neighborhoods).

The Board authorized use of the \$200,000 from the District's MIIF in a two-phase approach. Phase 1 involved securing 800 total hotel room nights spread over two nights (400 hotel rooms per night for two nights) at participating District hotels to temporarily relocate residents impacted by the fire. A total of 681 room nights were used over the two nights with approximately 400 families participating. Of the \$200,000 authorized from the District's MIIF, \$97,000 was ultimately used for Phase 1. The remaining funds (\$103,000) are to be used for Phase 2, which would involve the purchase of

residential air filtration equipment for impacted residents. Through the MOA with the SDAPCD, the District would provide the remaining funds to the SDAPCD's newly established Pair Program to provide residents air filtration devices as to complete its Phase 2 contribution, as further outlined below.

### Portside Air Quality Improvement and Relief Program

To address air quality concerns, on August 19, 2020, the San Diego County Board of Supervisors approved a one-time allocation of \$550,000 from the County of San Diego's General Fund for residential air quality monitoring, air purifiers, and data analysis for the Portside Community. The SDAPCD's PAIR Program is being funded by this one-time funding allocation. The intent of the PAIR Program is to provide new portable air filtration devices and indoor air monitoring systems to selected residences within the Portside Community at no cost to participants. All new portable air filtration devices and indoor air monitoring systems will be procured by the SDAPCD to reduce pollutants found within participating residences to improve indoor air quality. For the purposes of the PAIR Program, the Portside Community is identified residences within specified census tracts (see Attachment A), and those who reside within those census tracts would be eligible to apply to receive portable air purifiers and indoor air monitors through the PAIR Program.

The establishment of the PAIR Program is consistent with the Phase II Portside Environmental Justice Neighborhoods (Portside Community's) Assembly Bill 617 (AB 617) Community Emissions Reduction Plan (CERP) dated July 2021, which provides for a residential air filtration and air monitoring program to improve indoor air quality and address exposure vulnerability in the Portside Community. In addition, the District's Revised Draft Maritime Clean Air Strategy (MCAS) dated August 2021, supports the use of the MIIF for the PAIR Program.

### Next Steps

If approved, the MOA (see Attachment B) allows the District to contribute \$103,000 from the MIIF to the SDAPCD's PAIR Program for the purchase of portable air filtration devices and air monitoring systems for eligible residences within the Portside Community. SDAPCD staff anticipates that the SDAPCD Governing Board will approve entering the MOA at its meeting on Thursday, October 14, 2021. SDAPCD is in the process of finding and selecting an organization through a competitive bid process to administer the PAIR Program on behalf of SDAPCD. Duties assigned to this organization will include but are not limited to: outreach and customer service, selection of participants, translation, case management, and technical support. SDAPCD anticipates that it will be able to select and contract with an organization to administer the PAIR Program and begin outreach before the end of 2021 and implementation of the program could begin in Spring 2022.

### **General Counsel's Comments:**

The General Counsel's Office reviewed this agenda and approved the proposed agreement as to form and legality.

### **Environmental Review:**

The proposed Board action, including without limitation, a resolution entering into an MOA with the SDAPCD to contribute MIIF funds to the PAIR Program, does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it would not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

The proposed Board action complies with sections 21 and 35 of the Port Act, which allow for the Board to pass resolutions and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action 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 Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

**Diversity, Equity, and Inclusion Program:**

No direct DEI impact.

**PREPARED BY:**

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**Attachments:**

Attachment A: Portside Community census tracts eligible for the PAIR Program

Attachment B: Draft Memorandum of Agreement