

R-75-74

RESOLUTION No. 210985

JUL 5 1974

Adopted on _____

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the attached position paper opposing the proposed County of San Diego regulation governing the review and approval of indirect sources of air pollution be approved.

BE IT FURTHER RESOLVED, that this position paper be presented to the County Board of Supervisors, acting as the Air Pollution Control Board of the County of San Diego Air Pollution Control District, at its public hearing scheduled for July 10, 1974.

BE IT FURTHER RESOLVED, that the Environmental Quality Department staff is instructed to continue to work with interested and affected individuals and organizations in the development of a modified environmental impact report process which would include a technical air quality impact element prepared by the Air Pollution Control District and a regional impact element prepared by the Comprehensive Planning Organization.

APPROVED: JOHN W. WITT, City Attorney

By J. S. Wiegand
J. S. Wiegand, Deputy

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7/1/74

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POSITION PAPER

City of San Diego

July 5, 1974

RE: Proposed County of San Diego Regulations for the Control of Indirect Sources of Air Pollution

Background

The federal Environmental Protection Agency has developed a plan to provide for the attainment and maintenance of the Clean Air Act standards for the San Diego region. This plan defines a variety of air quality control strategies (traffic controls, mobile source emission controls and stationary source controls) promulgated by the EPA. The plan will be implemented unless alternative strategies are developed.

The EPA had originally looked to the State of California for the development of such alternative strategies. In the absence of acceptable State plans, the EPA has turned to the San Diego region to develop effective plans pending State and Federal approval. This is consistent with the position taken by the Mayor and Council that the Clean Air standards must be achieved through planning and implementation actions which are harmonious with the total spectrum of local environmental, economic and social goals.

City Policy

The Mayor and Council have adopted "clean air" as a top priority in achieving and maintaining the Council's overall goal of establishing the highest feasible quality of life for the citizens of the City of San Diego.

It's the policy of the City of San Diego that ultimate land use decisions within the jurisdiction of the City of San Diego shall only be exercised by the City Council of the City of San Diego.

San Diego Air Quality Task Force

On the recommendation of the Mayor and Council of the City of San Diego, the Comprehensive Planning Organization established the San Diego Air Quality Task Force on January 21, 1974. Because air quality is a regional problem, the comprehensive approach afforded by the San Diego Air Quality Task Force is the most appropriate vehicle for achieving clean air objectives. This group is composed of elected officials, private sector leaders and citizen technical experts. The Task Force is charged with the responsibility of analyzing the total impact of various air pollution and transportation control strategies on the San Diego region and, based upon that analysis, develop a reasonable and locally implementable total air quality plan for the basin. A policy for the review of indirect sources would be a primary consideration of the Task Force.

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The EPA has stated its preference for working with local task forces in the development of clean air strategies that are the least disruptive socially and economically to communities. The San Diego Air Quality Task Force has been cited by the EPA Administrator as "an outstanding example of creative and constructive local initiative in carrying out environmental programs".

Proposed County Regulations

The proposed County regulation establishing the County Air Quality Control Officer as the reviewing officer for indirect source ambient air quality review would substantially inhibit the ability of the San Diego Air Quality Task Force to achieve its objectives. This regulation would:

1. Grant the AQCO with review and approval authority for the construction of major public and private developments within the County. Land-use and transportation decision-making authority would thereby be created based solely upon the criterion of clean air.
2. add an additional review procedure in the project decision-making process.
3. frustrate the abilities of County jurisdictions to regulate land uses within their corporate boundaries and balance physical, social and economic objectives.
4. create a review and approval authority not directly accountable to the electorate.
5. result in denial of most proposed projects, since current ambient air quality does not meet State and Federal regulations.

Proposed Alternative Strategy

The EPA has strongly urged that the local government request delegation of indirect source review through the means of the Environmental Impact Report prepared in compliance with the provisions of the California Environmental Quality Act. This process could be expanded to include mandatory review of proposed indirect source projects by elected representatives of local general purpose jurisdictions.

The expanded EIR would include an air quality element and a regional impact element. The APCD would play an influential role in the analyses by determining whether or not the proposed project would violate Federal air quality standards. With APCD guidance the project could be suitably altered to respond to any negative finding that the air agency might make. Such efforts would be reflected in the final EIR. The public comment opportunities afforded by the EIR process would also satisfy the EPA requirement for opportunities for public comment on indirect source reviews. Additionally, an EIR element would be prepared by the Comprehensive Planning Organization to assess the project in terms of regional growth, land-use and transportation plans.

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Position

The significance of indirect source review demands a capability to assess such projects from the total economic, social and environmental perspective, with full accessibility by the public. An expanded EIR would provide a comprehensive decision-making tool providing affected jurisdictions with an ability to make informed judgments regarding the project's effects on air quality and other local and regional objectives. A means of assessing project modifications and alternatives to achieve such objectives would also be provided.

It is recognized that APCD would provide the technical nucleus for informed decision-making regarding air quality. However, the APCD is a single purpose agency which is not in a position to understand multiple community objectives from the standpoint of land use planning. To grant the APCD with exclusive permit issuance authority would ignore the interrelated dependence of regional planning factors and wrest from local government land-use determinations for which they are legally responsible.

Regional acceptance of proposed strategies is a necessity for effective implementation. Retention of jurisdictional prerogatives regarding land-use decision making (in a framework that is publicly responsive) seems mandatory to insure acceptance.

It is for these reasons that the City of San Diego urges the Board of Supervisors to reject the proposed APCD regulation governing the control of indirect source of air pollution. In lieu of this regulation, it is recommended that the Board support the establishment of a modified Environmental Impact Report Process which would include a technical air quality impact element prepared by the APCD and a regional impact element prepared by the CPO.

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Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By LeVern E. Miller, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **210985** Adopted **JUL 5 1974**

CC-1276 (REV. 11-73)

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