

RESOLUTION NO.

R-250425

(R. 80-454)

OCT 15 1979

WHEREAS, the Clean Air Act requires the attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but no later than December 31, 1982; and

WHEREAS, it has been demonstrated that despite the implementation of all reasonably available alternative control measures it is not feasible to meet this attainment date within the San Diego Region for two pollutants, ozone and carbon monoxide; and

WHEREAS, the implementation of the excessive controls required to do so would cause severe economic and social disruption within the Region and would constitute an unreasonable imposition of governmental regulations; and

WHEREAS, under certain conditions an extension to not later than December 31, 1987 may be granted for attaining the primary standards for ozone and carbon monoxide; and

WHEREAS, the establishment of a specific schedule for implementation of a vehicle emission control inspection and maintenance program is one of the conditions for receiving an extension; and

WHEREAS, the State Implementation Plan Revision for the San Diego Region adopted by the Board of Directors of the Comprehensive Planning Organization (CPO) and the Air Pollution Control Board in October 1978, and approved by the California

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Air Resources Board in February, 1979, includes a commitment to implement such a program and requests an extension of the attainment date; and

WHEREAS, the Plan Revision has been submitted to the United States Environmental Protection Agency for their approval, and that agency has indicated that the Plan Revision is not approvable as submitted because it does not provide the required legal authority to implement and enforce the vehicle emission control inspection and maintenance program included in the Plan Revision; and

WHEREAS, such authority can only be provided by the California Legislature which currently has under consideration a number of bills to this effect, none of which has yet been enacted; and

WHEREAS, the failure of the Legislature to provide such authority in a timely manner would result in the imposition of prescribed federal sanctions having severe economic and social consequences for both the State and the San Diego Region, including (a) a prohibition on the construction or modification of any major stationary source of air pollution such as industrial developments or power plants, (b) limitations on certain federal assistance such as the approval of projects or award of grants under Title 23 United States Code (highways), other than for safety, mass transit, or transportation improvement projects related to air quality improvement or maintenance, and (c)

limitations on the award of grants for construction of sewage treatment works; and

WHEREAS, local governments within the San Diego Region have consistently taken all reasonable and prudent actions within their power to comply with applicable provisions of the Clean Air Act, and any attempt on the part of the federal government to impose sanction upon this Region, should the Legislature fail to enact appropriate legislation, would constitute a gross injustice to the citizens of the San Diego Region; and

WHEREAS, a vehicle emission control inspection and maintenance program is represented by numerous authorities as having considerable merit as a means to control a substantial proportion of the air pollution affecting the San Diego Region there, nonetheless, remain a number of important concerns identified below that need to be addressed; and

WHEREAS, the Council has no reasonable alternative but to take the actions indicated below; NOW, THEREFORE,

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

1. That the Legislature is hereby urged to enact as soon as possible, and prior to the date that any federal sanctions would have any practical effect, legislation authorizing the implementation of a vehicle emission control inspection and maintenance program within the San Diego Region.

2. That the Legislature is further urged to give due regard to ensuring that this program:

a. Is operated as effectively and efficiently as possible;

b. Includes appropriate safeguards for the legitimate interests of taxpayers, vehicle owners, and other affected members of the public, particularly those of limited income;

c. Is operated by the private sector with appropriate State supervision, rather than directly by any new or expanded governmental agency;

d. Is financed in its entirety by a means that would not create an additional burden on the nonmotoring public, or reduce revenues presently allocated to other purposes;

e. Provides reasonable limitations on the cost to the vehicle owner for the required inspection and possible maintenance;

f. Separates the vehicle inspection and maintenance functions to protect vehicle owners from any unnecessary maintenance costs; and

g. Provides an effective means to ensure that vehicle owners in fact receive and are not overcharged for any required vehicle maintenance.

3. That the City's Legislative Representative in Sacramento is hereby directed to provide copies of this Council resolution to the leadership of the State Senate and Assembly, appropriate

committee chairmen, and the members of the San Diego area delegation, and he is further directed to actively represent this City's position in any and all deliberations of the Legislature on this matter.

4. That the City Attorney is hereby directed, should the Legislature fail to enact the required legislation, to take all necessary actions on behalf of the City of San Diego and its citizens to prevent the federal government from imposing any sanctions that would directly or indirectly penalize this Region for a matter over which it has no effective control.

APPROVED: JOHN W. WITT, City Attorney

By 
John K. Riess, Deputy

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9/5/79
Or.Dept.:Mayor

OCT 15 1979

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-250425 Adopted OCT 15 1979