Meeting Notice and Agenda

San Diego Region Conformity Working Group

The San Diego Region Conformity Working Group may take action on any item appearing on this agenda.

Wednesday, November 6, 2019

10:30 a.m. to 12 p.m.

SANDAG, Conference Room 7
401 B Street, Suite 800
San Diego, CA 92101

Staff Contact: Rachel Kennedy
(619) 699-1929
rachel.kennedy@sandag.org

Agenda Highlights

• San Diego Forward: The 2019 Federal Regional Transportation Plan

• EMFAC202X Update

If you would like to participate via conference call, please call (888) 204-5987. The conference call passcode is 6838699#.

Please silence all electronic devices during the meeting.

Mission Statement

The 18 cities and county government are SANDAG serving as the forum for regional decision-making. SANDAG builds consensus; makes strategic plans; obtains and allocates resources; plans, engineers, and builds public transit; and provides information on a broad range of topics pertinent to the region’s quality of life.
Welcome to SANDAG. Members of the public may speak to the Working Group on any item at the time the Working Group is considering the item. Please complete a Request to Comment form and then present the form to the Working Group coordinator. Members of the public may address the Working Group on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Public speakers are limited to three minutes or less per person. The Working Group may take action on any item appearing on the agenda.

Both agenda and non-agenda comments should be sent to SANDAG via comment@sandag.org. Please include the Working Group name and meeting date, agenda item, your name, and your organization. Any comments, handouts, presentations, or other materials from the public intended for distribution at the meeting should be received by the Working Group coordinator no later than 5 p.m. two working days prior to the meeting. All public comments and materials received by the deadline become part of the official public record and will be provided to the members for their review at the meeting.

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<table>
<thead>
<tr>
<th>Item No.</th>
<th>Action</th>
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<tbody>
<tr>
<td>1.</td>
<td>Welcome and Introductions</td>
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<tr>
<td>+2.</td>
<td>Information</td>
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<td></td>
<td><strong>Meeting Minutes</strong></td>
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<td>The San Diego Region Conformity Working Group (CWG) is asked to review the minutes from its October 2, 2019, meeting.</td>
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<td>3.</td>
<td>Public Comments/Communications/Member Comments</td>
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<td>Members of the public shall have the opportunity to address the CWG on any issue within the jurisdiction of SANDAG that is not on this agenda. Anyone desiring to speak shall reserve time by completing a Request to Comment form and giving it to the meeting coordinator prior to speaking. Public speakers should notify the meeting coordinator if they have a handout for distribution to CWG members. Public speakers are limited to three minutes or less per person. CWG members also may provide information and announcements under this agenda item.</td>
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<tr>
<td>+4.</td>
<td>Information</td>
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<td><strong>San Diego Forward: The 2019 Federal Regional Transportation Plan</strong></td>
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<td><em>Rachel Kennedy, SANDAG</em></td>
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<td>On October 25, 2019, the Board of Directors adopted San Diego Forward: The 2019 Federal Regional Transportation Plan and its air quality conformity determination. The plan was submitted to U.S. Department of Transportation requesting a conformity determination, in consultation with U.S. Environmental Protection Agency. SANDAG staff will be available to answer questions from federal agencies.</td>
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<td>+5.</td>
<td>Information</td>
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<td><strong>California Assembly Bill 423</strong></td>
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<td><em>Nick Cormier, San Diego County Air Pollution Control District</em></td>
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<td>California Assembly Bill 423 (Gloria) will restructure the governing board of the San Diego County Air Pollution Control District (SDAPCD) to include city and public representatives, impose new requirements on SDAPCD, and require the California Air Resources Board to conduct a specified program audit of the SDAPCD. SDAPCD will provide a brief overview of the legislation.</td>
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<td>6.</td>
<td>Information</td>
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<td><strong>EMFAC202X Update</strong></td>
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<td></td>
<td><em>Nesamani Kalandiyur, California Air Resources Board</em></td>
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<td>On October 2, 2019, the California Air Resources Board (CARB) held a public workshop to discuss updates to the CARB EMFAC202X model. CARB staff will provide an overview of the public workshop.</td>
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7. **Safer Affordable Fuel-Efficient Vehicles Act**
   
   **CWG members**
   
   On September 27, 2019, the final rulemaking was published in the Federal Register for the Safer Affordable Fuel-Efficient Vehicles Rule Part One. The effective date of the rule is November 26, 2019. The CWG will discuss impacts to transportation conformity determinations.

8. **Upcoming Meetings**
   
   The next CWG meeting is scheduled for Wednesday, December 4, 2019, at 10:30 a.m.

9. **Adjournment**

+ next to an item indicates an attachment
October 2, 2019, Meeting Minutes

Rachel Kennedy, Senior Regional Planner, called the meeting of the San Diego Region Conformity Working Group (CWG) to order at 10:34 a.m.

1. Welcome and Introductions
Self-introductions were made. An attendance list is included.

2. Meeting Minutes (Information)
Ms. Kennedy asked the CWG to review the minutes from its August 7, 2019, meeting. No comments or corrections were made.

3. Public Comments/Communications/Member Comments
No public comments were made.

Reports

4. Safer Affordable Fuel-Efficient Vehicles Rule (Discussion)
Ms. Kennedy provided an overview of part one of the final Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule. The rule is being developed in two parts; the first part has been finalized. There are no updates on the development of the second part of the rule. Caltrans has been coordinating questions from MPOs and affected state agencies to be sent to FHWA and U.S. EPA.

5. EMFAC2017 Update (Information)
Nesamani Kalandiyur, California Air Resources Board (ARB), provided an update on EMFAC2017 and its approval for use in conformity determination by U.S. EPA. The Notice of Availability was published in the Federal Register on August 15, 2019. The notice includes a two-year grace period during which time either EMFAC2014 or EMFAC2017 may be used. The grace period ends August 15, 2021.

6. Reclassification for the 2008 Ozone National Ambient Air Quality Standards (Information)
Ms. Kennedy provided an overview on the reclassification of the San Diego air basin for the 2008 Ozone standard. Effective December 23, 2018, the San Diego air basin has been reclassified from a Moderate non-attainment area to a Serious non-attainment area for the 2008 8-hour Ozone standard. This reclassification was performed by operation of law and establishes a new attainment date of July 20, 2021.

7. Ozone State Implementation Plan Development (Discussion)
Nick Cormier, San Diego Air Pollution Control District (APCD), provided an update and overview of the SIP development for the San Diego air basin including an updated draft schedule. The SIP will cover both the 2008 and 2015 Ozone standards. These will be in separate sections of the document. APCD is working with ARB on emission inventories to develop draft emission budgets.
8. 2019 Federal Regional Transportation Plan (Discussion)

Ms. Kennedy provided an overview of the Board-approved action plan for developing the 2019 Federal RTP and key interagency consultation milestones during the development process. The CWG was sent the draft regional emissions analysis on September 20, 2019, for review and comment. The CWG was also provided an updated regional emission analysis as part of this agenda. SANDAG prepared and received comments on the proposed draft 2019 Federal RTP network during the July and August timeframe. Minor modifications were made to draft transportation network to incorporate updated project schedules and other feedback received.

9. Matters from Members (Discussion)

Ilene Gallo, Caltrans, announced her retirement scheduled for the end of October.

Rodney Tavitas, Caltrans HQ, reminded members of the upcoming air quality conformity training scheduled for January 2020 in San Diego.

10. Upcoming Meetings (Information)

The next CWG meeting is scheduled for Wednesday, November 6, 2019, at 10:30 a.m.

11. Adjournment

Ms. Kennedy adjourned the meeting at 11:15 a.m.
Confirmed Attendance at SANDAG San Diego Region Conformity Meeting

October 2, 2019

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Name</th>
<th>Attended</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Air Resources Board</td>
<td>Nesamani Kalandiyur</td>
<td>Yes</td>
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<tr>
<td>Caltrans</td>
<td>Rodney Tavitas</td>
<td>Yes</td>
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<td>Caltrans District 11</td>
<td>Irene Gallo</td>
<td>Yes</td>
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<td>Melina Pereira</td>
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<td>Federal Highways Administration</td>
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<td>U.S. EPA</td>
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<tr>
<td>San Diego County Air Pollution Control District</td>
<td>Nick Cormier</td>
<td>Yes</td>
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**SANDAG Staff**

- Elisa Arias
- Rachel Kennedy
- Richard Radcliffe
- Sam Sanford
- Sue Alpert
San Diego Forward: The 2019 Federal Regional Transportation Plan

Overview
On February 22, 2019, the Board of Directors approved an action plan to develop a bold new vision for the 2021 Regional Plan, with the goal of transforming the way people and goods move throughout the San Diego region. While work progresses to develop this new vision, the agency has concurrently been working on the 2019 Federal Regional Transportation Plan (2019 Federal RTP) to comply with federal requirements, including air quality conformity. The agency must expedite the approval process for the 2019 Federal RTP due to recent changes at the federal level, which are explained further below. On October 4, 2019, the agency released the Draft 2019 Federal RTP for a public review and comment period, ending on October 22, 2019.

In addition, on October 8, 2019, Assembly Bill 1730 (AB 1730) (Gonzalez) was signed by the governor. The bill provides a two-year extension to update San Diego Forward: The 2015 Regional Plan (2015 Regional Plan) and its Sustainable Communities Strategy for the San Diego region and ensures that the 2015 Regional Plan, its Sustainable Communities Strategy, and related environmental analysis remain valid for state compliance, funding eligibility, and other purposes through 2021. AB 1730 also provides an exemption from the California Environmental Quality Act (CEQA) for the 2019 Federal RTP.

Key Considerations
Consistent with the direction provided by the Board of Directors in February 2019, the draft 2019 Federal RTP largely includes the same projects, programs, and policies included in the 2015 Regional Plan. The only modifications made were to remove projects that have been completed since the 2015 Regional Plan was adopted; make minor schedule updates to align with the current Regional Transportation Improvement Program; and update the cost estimates and financial assumptions as required by federal law. The 2019 Federal RTP was also developed using updated modeling tools and an updated Regional Growth Forecast.

Action: Adopt
The Board of Directors is asked to adopt Resolution No. 2019-12, adopting the air quality conformity determination, finding that the Revenue Constrained Plan is in conformance with the State Implementation Plan for air quality; adopting the 2019 Federal Regional Transportation Plan and its supporting analyses, and; adopting findings in support of a Notice of Exemption under the California Environmental Quality Act.

Fiscal Impact:
An air quality conformity determination from the U.S. Department of Transportation for the 2019 Federal Regional Transportation Plan will protect the flow of transportation funding to our region.

Schedule/Scope Impact:
Pending Board of Directors’ action, the Final 2019 Federal Regional Transportation Plan will be transmitted to the U.S. Department of Transportation requesting action on air quality conformity.

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1 Appendix T of the draft 2019 Federal RTP documents the SANDAG travel demand model methodology and Appendix J details the 2050 Regional Growth Forecast (Series 14, version 17).
Recent Federal Changes

In late September 2019, the federal government issued the Safer Affordable Fuel-Efficient Vehicles Rule Part One (SAFE Rule), which provides for nationwide fuel economy and greenhouse gas standards for automobiles and light trucks. Prior to this ruling, California could enforce stricter greenhouse gas standards and zero-emission vehicle mandates. The SAFE Rule will go into effect on November 26, 2019. SANDAG, Caltrans, Metropolitan Transit System, North County Transit District, the 18 cities and the County of San Diego will be at risk of losing funding eligibility if the 2019 Federal RTP is not adopted by SANDAG and an air quality conformity determination is not made by federal agencies before this date. To avoid the risk of the region losing millions of dollars in funding, SANDAG has advanced completion of what was previously under development as the 2020 Federal RTP, now referred to as the 2019 Federal RTP.

Public Participation Process

The 2019 Federal RTP outlines nearly $208 billion in transportation investments in our region and carries forward the projects, programs, and policies included in the 2015 Regional Plan; to create, maintain, and improve a balanced transportation network over the next 30 years. Public outreach and consultation for the Draft 2019 Federal RTP used key sections from the Public Involvement Plan for San Diego Forward: The 2021 Regional Plan, to comply with all applicable federal outreach elements (23 CFR 450.316 and 450.324). Main approaches to public outreach over the past seven months have included public information releases, face-to-face interaction, meetings with the SANDAG community-based partnership network, web-based interactive communications, and other media. Tribal consultation was conducted through the SANDAG Interagency Technical Working Group on Tribal Transportation Issues. SANDAG working groups also provided a forum for stakeholder involvement throughout the development of the Draft 2019 Federal RTP.

The proposed draft transportation network that is included in the Draft 2019 Federal RTP was released in July for a 30-day comment period. The Draft 2019 Federal RTP including its air quality conformity analysis was released for public review and comment on October 4, 2019. In addition to the outreach methods described above, an open house and public hearing were held during the Draft 2019 Federal RTP public review period. Appendix F of the Draft 2019 Federal RTP documents public involvement activities. Comments made during the development of the proposed draft transportation network; the October 15, 2019, open house and the October 18, 2019, public hearing; as well via other means, are included with staff responses in Attachment 2.

Air Quality Conformity

Appendix B of the Draft 2019 Federal RTP (Attachment 3), describes the process used to document the conformity of the 2019 Federal RTP Revenue Constrained Plan and the 2018 Regional Transportation Improvement Program, as amended, with the State Implementation Plan for air quality. This process, which is required by federal law, involves estimating regional vehicle emissions resulting from the Revenue Constrained Plan within the Draft 2019 Federal RTP and making a determination that they will not exceed established emissions budgets.

California Environmental Quality Act Compliance

CEQA does not apply to projects that are expressly exempt by statute. AB 1730 amends California Government Code Section 65080(d) to include an exemption from CEQA for the 2019 Federal RTP. The Board of Directors is asked to make a finding that the Draft 2019 Federal RTP is exempt from CEQA pursuant to California Government Code Section 65080(d)(2)(E), as amended by AB 1730.

Next Steps

Pending Board of Directors’ approval, the Final 2019 Federal RTP will be sent to the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency, with the request that the U.S. DOT
make its air quality conformity determination prior to November 26, 2019, when the new SAFE Rule will go into effect.

*Hasan Ikhrata, Executive Director*

Key Staff Contact: Rachel Kennedy, (619) 699-1929, rachel.kennedy@sandag.org

Attachment: 1. Signed Transmittal Letters
October 25, 2019

Mr. Vincent Mammano  
Division Administrator  
Federal Highway Administration, California Division  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814-4708

Subject: 2019 Federal Regional Transportation Plan and Completed Regional Transportation Plan Checklist and Conformity Analysis Documentation Checklist

On October 25, 2019, the San Diego Association of Governments (SANDAG) Board of Directors adopted San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP), including its air quality conformity analysis.

This transmittal includes the 2019 Federal RTP, Board Resolution, and the completed Regional Transportation Plan Checklist and Conformity Analysis Documentation Checklist.

Please contact Rachel Kennedy at (619) 699-1929 or rachel.kennedy@sandag.org if you should have questions regarding the 2019 Federal RTP or checklists.

Sincerely,

HASAN IKHRATA  
Executive Director

Enclosures: 1. 2019 Federal Regional Transportation Plan  
2. Regional Transportation Plan Checklist  
3. Conformity Analysis Documentation Checklist and Board Resolution

cc: Tashia Clemons, Joseph Vaughn, Michael Morris, Federal Highway Administration, California Division  
Ray Tellis, Ted Matley, Federal Transit Administration  
Mike Stoker, Elizabeth Adams, John J. Kelly, Karina O'Connor, United States Environmental Protection Agency, Region 9  
Erin Thompson, Caltrans Headquarters  
Gustavo Dallarda, Ann Fox, Caltrans District 11  
San Diego Region Conformity Working Group
October 25, 2019

Mr. Ray Tellis
Regional Administrator
Federal Transit Administration, Region 9
90 7th Street, Suite 15-300
San Francisco, CA 94103

Dear Mr. Tellis:

Subject: 2019 Federal Regional Transportation Plan and Completed Regional Transportation Plan Checklist and Conformity Analysis Documentation Checklist

On October 25, 2019, the San Diego Association of Governments (SANDAG) Board of Directors adopted San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP), including its air quality conformity analysis.

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HASAN IKHRATA
Executive Director

HIK/SSAN/RKE/nye

Enclosures: 1. 2019 Federal Regional Transportation Plan  
          2. Regional Transportation Plan Checklist  
          3. Conformity Analysis Documentation Checklist and Board Resolution

cc: Ted Matley, Federal Transit Administration, Region 9  
   Vincent Mammano, Tashia Clemons, Joseph Vaughn, Michael Morris,  
   Federal Highway Administration, California Division  
   Mike Stoker, Elizabeth Adams, John J. Kelly, Karina O’Connor,  
   United States Environmental Protection Agency, Region 9  
   Erin Thompson, Caltrans Headquarters  
   Gustavo Dallarda, Ann Fox, Caltrans District 11  
   San Diego Region Conformity Working Group
October 25, 2019

Mr. Mike Stoker
Regional Administrator
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Stoker:

Subject: 2019 Federal Regional Transportation Plan and Completed Regional Transportation Plan Checklist and Conformity Analysis Documentation Checklist

On October 25, 2019, the San Diego Association of Governments (SANDAG) Board of Directors adopted San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP), including its air quality conformity analysis.

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Executive Director

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Vincent Mammano, Tashia Clemons, Joseph Vaughn, Michael Morris, Federal Highway Administration, California Division
Ray Tellis, Ted Matley, Federal Transit Administration
Erin Thompson, Caltrans Headquarters
Gustavo Dallarda, Ann Fox, Caltrans District 11
San Diego Region Conformity Working Group
October 25, 2019

Ms. Ann Fox
Deputy District Director of Planning
Caltrans District 11
4050 Taylor Street, MS 240
San Diego, CA 92110

Dear Ms. Fox:

Subject: 2019 Federal Regional Transportation Plan and Completed Regional Transportation Plan Checklist and Conformity Analysis Documentation Checklist

On October 25, 2019, the San Diego Association of Governments (SANDAG) Board of Directors adopted San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP), including its air quality conformity analysis.

This transmittal includes the 2019 Federal RTP, Board Resolution, and the completed Regional Transportation Plan Checklist and Conformity Analysis Documentation Checklist.

Please contact Rachel Kennedy at (619) 699-1929 or rachel.kennedy@sandag.org if you should have questions regarding the 2019 Federal RTP or checklists.

Sincerely,

HASAN IKHRATA
Executive Director

HIK/SSAN/RKE/nye

Enclosures: 1. 2019 Federal Regional Transportation Plan
2. Regional Transportation Plan Checklist
3. Conformity Analysis Documentation Checklist and Board Resolution

cc: Gustavo Dallarda, Ilene Gallo; Caltrans District 11
    Erin Thompson, Caltrans Headquarters
    San Diego Region Conformity Working Group
Assembly Bill No. 423

CHAPTER 744

An act to amend, repeal, and add Sections 40100, 40100.5, and 40701.5 of, and to add Sections 40100.6 and 40100.6.5 to, the Health and Safety Code, relating to the San Diego County Air Pollution Control District.

[Approved by Governor October 11, 2019. Filed with Secretary of State October 11, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 423, Gloria. San Diego County Air Pollution Control District: members and duties.

(1) Existing law provides for the establishment of air pollution control districts and air quality management districts.

This bill would require, as of March 1, 2021, the San Diego County Air Pollution Control District to have a specified membership. The bill would require the San Diego air district to appoint a specified liaison to consult with the United States Navy, the United States Marine Corps, and the United States Coast Guard, as specified; create and maintain an internet website separate from the County of San Diego internet website and post specified information, including, among others, the agendas and minutes of the governing board of the San Diego air district and all current and pending permit information and settled enforcement actions; apply for statewide grant and incentive programs; evaluate the current public complaint process, as specified; develop a plan for a comprehensive air monitoring program, as specified; publish an annual air quality report, as specified; and consider adopting an indirect source rule, as specified. The bill would require the San Diego air district, by July 1, 2020, to post all applications for an authority to construct or permit to operate within 3 business days of their receipt and to accept and consider all public comments received before taking final action on the applications. The bill would require the San Diego air district to prepare a report for consideration by the governing board summarizing all actions taken on applications in the 2020 calendar year and to consider, based upon the report, amendments to the district rule to ensure adequate opportunity for public comment on applications. By requiring local governments to appoint members to the San Diego County Air Pollution Control District governing board in a specified manner and by adding to the duties of the San Diego air district, this bill would impose a state-mandated local program.

This bill, no later than June 1, 2021, would require the State Air Resources Board to complete a program audit of the San Diego air district for the years 2013 through 2018.
This bill would specify the continuing funding sources for the San Diego air district, as specified.

(2) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) This bill would make legislative findings and declarations as to the necessity of a special statute for the San Diego County Air Pollution Control District.

*The people of the State of California do enact as follows:*

**SECTION 1.** It is the intent of the Legislature that the County of San Diego employees who currently work for the San Diego County Air Pollution Control District will not be affected by the governing board’s expansion and their jobs will be safe.

**SEC. 2.** Section 40100 of the Health and Safety Code is amended to read:

40100. (a) Except as provided in Section 40100.5, a county board of supervisors shall be ex officio the county district board of the county.

(b) This section shall become inoperative on March 1, 2021, and, as of January 1, 2022, is repealed.

**SEC. 3.** Section 40100 is added to the Health and Safety Code, to read:

40100. (a) Except as provided in Sections 40100.5 and 40100.6, a county board of supervisors shall be ex officio the county district board of the county.

(b) The section shall become operative on March 1, 2021.

**SEC. 4.** Section 40100.5 of the Health and Safety Code is amended to read:

40100.5. (a) The membership of the governing board of each county district shall include (1) one or more members who are mayors, city council members, or both, and (2) one or more members who are county supervisors.

(b) The number of those members and their composition shall be determined jointly by the county and the cities within the district, and shall
be approved by the county and by a majority of the cities that contain a majority of the population in the incorporated area of the district.

(c) The governing board shall reflect, to the extent feasible and practicable, the geographic diversity of the district and the variation of population between the cities in the district.

(d) (1) The members of the governing board who are mayors or city council members shall be selected by the city selection committee. When selecting a member of the governing board, the city selection committee may also select a mayor or another city council member as an alternate to serve and vote in place of the member who is absent or disqualified from participating.

(2) In districts where the county and the cities have agreed that each city shall be represented on the governing board, each city shall select its own representative to the governing board. When selecting a member of the governing board, each city may also select its mayor or another city council member as an alternate to serve and vote in place of the member who is absent or is disqualified from participating.

(3) The members of the governing board who are county supervisors shall be selected by the county.

(e) This section does not apply to any district in which the population of the incorporated area of the county is 35 percent or less of the total county population, as determined by the district on June 30, 1994, or to a county district having a population of more than 2,500,000 as of June 30, 1990.

(f) If a district fails to comply with subdivisions (a) and (b), the membership of the governing board shall be determined as follows:

(1) In districts in which the population in the incorporated areas represents between 36 and 50 percent of the total county population, one-third of the members of the governing board shall be mayors or city council members, and two-thirds shall be county supervisors.

(2) In districts in which the population in the incorporated areas represents more than 50 percent of the total county population, one-half of the members of the governing board shall be mayors or city council members, and one-half shall be county supervisors.

(3) The number of those members shall be determined as provided in subdivision (b), and the members shall be selected pursuant to subdivision (d).

(4) For purposes of paragraphs (1) and (2), if any number that is not a whole number results from the application of the term “one-third,” “one-half,” or “two-thirds,” the number of county supervisors shall be increased to the nearest integer, and the number of mayors or city council members decreased to the nearest integer.

(g) This section shall become inoperative on March 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 5. Section 40100.5 is added to the Health and Safety Code, to read:

40100.5. (a) The membership of the governing board of each county district shall include (1) one or more members who are mayors, city council members, or both, and (2) one or more members who are county supervisors.
(b) The number of those members and their composition shall be determined jointly by the county and the cities within the district, and shall be approved by the county and by a majority of the cities that contain a majority of the population in the incorporated area of the district.

(c) The governing board shall reflect, to the extent feasible and practicable, the geographic diversity of the district and the variation of population between the cities in the district.

(d) (1) The members of the governing board who are mayors or city council members shall be selected by the city selection committee. When selecting a member of the governing board, the city selection committee may also select a mayor or another city council member as an alternate to serve and vote in place of the member who is absent or disqualified from participating.

(2) In districts where the county and the cities have agreed that each city shall be represented on the governing board, each city shall select its own representative to the governing board. When selecting a member of the governing board, each city may also select its mayor or another city council member as an alternate to serve and vote in place of the member who is absent or is disqualified from participating.

(3) The members of the governing board who are county supervisors shall be selected by the county.

(e) (1) This section does not apply to any district in which the population of the incorporated area of the county is 35 percent or less of the total county population, as determined by the district on June 30, 1994.

(2) The membership of the governing board for the San Diego County Air Pollution Control District shall be determined pursuant to Section 40100.6.

(f) If a district fails to comply with subdivisions (a) and (b), the membership of the governing board shall be determined as follows:

(1) In districts in which the population in the incorporated areas represents between 36 and 50 percent of the total county population, one-third of the members of the governing board shall be mayors or city council members, and two-thirds shall be county supervisors.

(2) In districts in which the population in the incorporated areas represents more than 50 percent of the total county population, one-half of the members of the governing board shall be mayors or city council members, and one-half shall be county supervisors.

(3) The number of those members shall be determined as provided in subdivision (b), and the members shall be selected pursuant to subdivision (d).

(4) For purposes of paragraphs (1) and (2), if any number that is not a whole number results from the application of the term “one-third,” “one-half,” or “two-thirds,” the number of county supervisors shall be increased to the nearest integer, and the number of mayors or city council members decreased to the nearest integer.

(g) This section shall become operative on March 1, 2021.

SEC. 6. Section 40100.6 is added to the Health and Safety Code, to read:
40100.6. (a) The 11 members of the San Diego County Air Pollution Control District governing board shall be appointed as follows:

(1) (A) Two members representing the board of supervisors as appointed by a majority of the board of supervisors.

(B) One of the two members representing the board of supervisors pursuant to subparagraph (A) shall be the member of the board of supervisors who is currently serving as the San Diego County Air Pollution Control District’s member on the state board, as required pursuant to paragraph (4) of subdivision (d) of Section 39510. That member of the board of supervisors shall continue to serve as one of the two members of the San Diego Air Pollution Control District pursuant to subparagraph (A) until that member is no longer the San Diego County Air Pollution Control District’s member on the state board.

(2) The mayor or a city council member at large from the City of San Diego.

(3) (A) One city council member from each of the five supervisorial districts. Those five members shall be selected by city selection committees representing the cities of that supervisorial district.

(B) A city shall not have more than two members.

(4) Three public members shall be appointed by the members appointed pursuant to paragraphs (1) to (3), inclusive, at a public hearing. The public members shall be appointed according to the following:

(A) One public member shall be a physician or public health professional actively practicing within the boundaries of the San Diego County Air Pollution Control District. The member’s speciality shall be in the health effects of air pollution on vulnerable populations.

(B) One public member shall be a person representing environmental justice interests and who works directly with communities within the boundaries of the San Diego County Air Pollution Control District that are most significantly burdened by, and vulnerable to, high levels of pollution, including communities with diverse racial and ethnic populations and communities with low-income populations. This member may be a resident of that community and have a demonstrated record of community leadership.

(C) One public member shall be a person with a scientific or technical background in air pollution, such as an environmental engineer, chemist, meteorologist, or air pollution specialist.

(b) All members shall be appointed on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with the air pollution problems of the San Diego Air Basin.

(c) All members shall reside within the boundaries of the San Diego County Air Pollution Control District.

(d) Each member of the San Diego County Air Pollution Control District shall serve a four-year term and until that member’s successor is appointed.

(e) Each member of the San Diego County Air Pollution Control District governing board appointed pursuant to paragraph (4) of subdivision (a) shall receive compensation of one hundred dollars ($100) for each day, or a
portion thereof, but not to exceed one thousand dollars ($1,000) per month, while attending meetings of the district governing board or any committee of the district governing board or, upon authorization of the district governing board, while on official business of the San Diego County Air Pollution Control District, and the actual and necessary expenses incurred in performing the member’s official duties.

(f) (1) A vacancy on the San Diego County Air Pollution Control District governing board shall be filled by appointment in the same manner as the vacating member was appointed.

(2) A member of the San Diego County Air Pollution Control District governing board may be removed at any time in the same manner as the member was appointed.

(g) (1) The San Diego County Air Pollution Control District governing board shall consult with the United States Navy, the United States Marine Corps, and the United States Coast Guard on all permitting, rules, regulations, and planning issues that have the potential to impact the mission of the United States Navy, the United States Marine Corps, and the United States Coast Guard.

(2) The San Diego County Air Pollution Control District governing board shall designate one member appointed pursuant to paragraph (1) of subdivision (a) to serve as the liaison to the United States Navy, the United States Marine Corps, and the United States Coast Guard. The liaison shall report to the San Diego County Air Pollution Control District governing board as necessary to inform the governing board of any issues with the activities described in paragraph (1) and of any potential resolution to those issues.

(h) This section shall become operative on March 1, 2021.

SEC. 7. Section 40100.6.5 is added to the Health and Safety Code, to read:

40100.6.5. (a) The San Diego County Air Pollution Control District, in addition to all other duties required of the San Diego County Air Pollution District pursuant to this division and any other law, shall do all of the following:

(1) Create and maintain an internet website separate from the County of San Diego internet website and migrate all of the existing data by December 2021, including all of the following:

(A) Agendas and minutes of the governing board of the San Diego County Air Pollution Control District.

(B) All current permit information in a format that allows that information to be downloadable and searchable by address, facility name, pollutant, permit number, and equipment or process. Permitted potential maximum emissions shall be included along with actual emissions if available.

(C) (i) All applications for an authority to construct or a permit to operate.

(ii) By July 1, 2020, the San Diego County Air Pollution Control District shall post all applications for authority to construct or a permit to operate within three business days of their receipt and shall accept and consider all public comments received before the district takes final action on approval
of the applications. This clause does not require the San Diego County Air Pollution Control District to respond to comments except as otherwise provided by law.

(D) All settled enforcement actions in a format that allows that information to be downloadable and searchable by address, facility name, pollutant, permit number, and equipment or process.

(E) (i) The face sheets of notices of violation or notices to comply.

(ii) The district shall post the face sheets 30 days after the issuance of the notices. Notices found to be issued in error within 30 days of issuance shall not be posted.

(F) All documents related to the Air Toxics “Hot Spots” Information and Assessment Act of 1987 (Part 6 (commencing with Section 44300)), including all of the following:

(i) Air toxics emissions inventory reports and plans submitted by each facility pursuant to Chapter 3 (commencing with Section 44340) of Part 6 that are completed and approved by the district.

(ii) Completed health risk assessments submitted by each facility pursuant to Chapter 4 (commencing with Section 44360) of Part 6.

(iii) A copy of the public notification provided by facility, as required by the San Diego County Air Pollution Control District’s rules and guidelines, and documentation of the required notice to exposed persons.

(iv) Airborne toxic risk reduction audit and plans submitted by each facility pursuant to Chapter 6 (commencing with Section 44390) of Part 6 that are completed and approved by the district.

(G) The San Diego County Air Pollution Control District budget, including revenue and expense projections and actuals.

(2) Apply for statewide grant and incentive programs, including, but not limited to, all of the following:

(A) Programs allocating moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code.

(B) Programs administered by the state board.

(C) Programs administered by the United States Environmental Protection Agency.

(D) Enhanced Fleet Modernization Program (Article 11 (commencing with Section 44124) of Chapter 5 of Part 5).

(3) Evaluate the current public complaint process and provide, by December 2021, a recommended plan for updating that public complaint process, including all of the following components:

(A) A 24-hour hotline.

(B) Response to complaints within 48 hours or less.

(C) Whistleblower and public complainant protections.

(D) (i) The posting of complaints and their resolution on the San Diego County Air Pollution Control District internet website, required pursuant to paragraph (1).

(ii) Information regarding the complaints that are posted shall consist of all the following:

(I) The date and time of the complaint.
(II) The general nature of the complaint.
(III) The closest intersection to the site of the complaint.
(iii) The name of the company or facility that is the subject of the complaint shall not be posted.

(4) (A) Develop, no later than December 2021, a plan for a comprehensive air monitoring program. The plan shall include an evaluation of monitor locations in the most impacted communities and the monitoring of other air pollutants, such as speciated carbon particulate matter and toxic air contaminants, including metals.

(B) Air monitoring data shall be made available to the public on the district’s internet website within a reasonable period of time not to exceed 14 months from the date of collection. The governing board of the San Diego County Air Pollution Control District shall establish an air monitoring data program that will define reasonable timeframes for posting all air monitoring data based on testing methodology and ensure data is accessible and understandable to the public.

(5) Publish an annual air quality report that includes all of the following:
(A) Levels of criteria and noncriteria air pollutants, air toxics from monitors, and other sources of information.
(B) Enforcement actions.
(C) Revenue secured.
(D) Program outcomes.
(E) Emissions reduction progress.

(6) Consider adopting an indirect source rule to address pollution from mobile sources that is associated with stationary sources, such as ports, warehouses, and distribution centers.

(7) (A) Prepare, no later than July 1, 2021, a report for consideration by the San Diego County Air Pollution Control District governing board that summarizes all of the actions taken on applications for authority to construct or a permit to operate in the 2020 calendar year, including the number of applications, timing of actions on applications, and number of public comments submitted.

(B) Consider, based upon the report prepared pursuant to subparagraph (A), amendments to San Diego County Air Pollution Control District’s rules to ensure adequate opportunity for public comment on applications within the district’s deadline for action on those applications.

(b) No later than June 1, 2021, the state board shall complete a program audit of the San Diego County Air Pollution Control District for the years 2013 to 2018, inclusive.

SEC. 8. Section 40701.5 of the Health and Safety Code is amended to read:

40701.5. (a) Funding for a district may be provided by, but is not limited to, any one or any combination of the following sources:

1. Grants.
2. Subventions.
3. Permit fees.
4. Penalties.
(5) A surcharge or fee pursuant to Section 41081 or 44223 on motor vehicles registered in the district.

(b) Expenses of a district that are not met by the funding sources identified in subdivision (a), shall be provided by an annual per capita assessment on those cities that have agreed to have a member on the district board for purposes of Section 40100.5, 40152, 40322.5, 40704.5, or 40980 and on the county or counties included within the district. Any annual per capita assessment imposed by the district on those cities and counties included within the district shall be imposed on an equitable per capita basis.

(c) Subdivision (b) does not apply to the San Joaquin Valley Unified Air Pollution Control District or, if that unified district ceases to exist, the San Joaquin Valley Air Quality Management District, if that district is created.

(d) This section shall become inoperative on March 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 9. Section 40701.5 is added to the Health and Safety Code, to read:

40701.5. (a) Funding for a district may be provided by, but is not limited to, any one or any combination of the following sources:

(1) Grants.

(2) Subventions.

(3) Permit fees.

(4) Penalties.

(5) A surcharge or fee pursuant to Section 41081 or 44223 on motor vehicles registered in the district.

(b) Expenses of a district that are not met by the funding sources identified in subdivision (a) shall be provided by an annual per capita assessment on those cities that have agreed to have a member on the district board for purposes of Section 40100.5, 40152, 40322.5, 40704.5, or 40980 and on the county or counties included within the district. Any annual per capita assessment imposed by the district on those cities and counties included within the district shall be imposed on an equitable per capita basis.

(c) Subdivision (b) does not apply to the San Joaquin Valley Unified Air Pollution Control District or, if that unified district ceases to exist, the San Joaquin Valley Air Quality Management District, if that district is created.

(d) (1) Notwithstanding subdivision (b), expenses of the San Diego County Air Pollution Control District that are not met by the funding sources identified in subdivision (a) shall be provided by an annual per capita assessment imposed on an equitable per capita basis on each city and county included in the San Diego County Air Pollution Control District by the governing board of the San Diego County Air Pollution Control District created pursuant to Section 40100.6.

(2) At least 30 days before the assessment is imposed, the governing board shall hold a public hearing which shall include data supporting the annual per capita assessment and any schedule that may apply.

(e) This section shall become operative on March 1, 2021.

SEC. 10. The Legislature finds and declares that Section 7 of this act, which adds Section 40100.6.5 to the Health and Safety Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of
the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

By requiring the San Diego County Air Pollution Control District to post specified information on its internet website, this act increases public access to public records, and thereby furthers the purposes of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

SEC. 11. If the Commission on State Mandates determines that certain provisions of this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

No reimbursement is required by certain provisions of this act pursuant to Section 6 of Article XIIIB of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

No reimbursement is required by certain provisions of this act pursuant to Section 6 of Article XIIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

SEC. 12. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the growing population of the County of San Diego and its goal of addressing climate change and air pollution.