

PLACER COUNTY AIR POLLUTION CONTROL DISTRICT

Background/Summary

Placer County Air Pollution Control District (APCD) is one of 35 local air pollution control agencies within the State, established pursuant to Section 40002 of the California Health & Safety Code. The District has primary responsibility for the regulation and control of air pollution created by stationary industrial sources and businesses, including open burning. Within the statute the district must also respond to odor and dust complaints from citizens.

The District has 12 approved positions allocated, but only seven permanent positions were funded in 2000-2001. Furthermore, the District does not have sufficient technically skilled staff, resulting in an agency incapable of carrying out its mandated duties to protect the citizens from exposure to toxic materials in the air.

Discussion

The California Health and Safety Code (Section 40701.5), inter alia¹, authorizes the District Board to adopt

- (1) A schedule of fees for the evaluation and issuance of permits to cover the costs of District programs not otherwise funded;
- (2) A schedule of fees applicable to emission sources not included with a permit system to cover the estimated reasonable costs of evaluating plans required by law or by District rule or regulation;
- (3) A fee schedule for the permitting of sources of air toxic contaminants, area wide and indirect sources of emission, and fees to cover the reasonable costs of the District Hearing Board.

Other actual or potential sources of District funding, in addition to penalty assessments and fees, are grants, state subvention, per capita assessments, and DMV surcharges on motor vehicles registered in the District. The District receives no County General Fund monies for its operations.

Placer County APCD reports that 48% of the 2000-2001 anticipated revenue of \$1,196,000 is obtained from permit fees or reimbursement for services. Another 48% of revenue is reportedly derived from state subvention and a DMV surcharge on vehicles registration fees of \$2 per vehicle. The balance comes from interest and fines. The District currently does not receive any grant funds and does not receive any funds

¹ The term "inter alia" means among other things.

through a per capita assessment upon the county and cities represented on the District's board. Raising the vehicle fees by \$2, would allow programs to be put in place that could reduce mobile source pollutants by an estimated 165,000 tons annually, according to testimony.

The Grand Jury interviewed the County Executive Officer, several County employees, County appointees, and a member of the APCD Board. The consistent message was that the County does not have an adequate Air Pollution Control Program in place to assure the health and safety of its residents.

The Placer County Air Pollution Control District is not fully funded to carry out mandated programs and monitor toxic emissions and air pollutants aggressively to ensure the health and safety of its citizens. In 1998, a Task Force found that an annual per capita fee of 45 cents would ensure APCD some financial stability.

The 2000-2001 Placer County Grand Jury is pleased to note that the County Executive Officer recognized the need to find adequate and stable funding for the APCD and loaned County staff to the District to restructure the district and get it on track financially. Staff has successfully gotten the District out of the "red" and is developing strategy to implement programs to monitor stationary sources more aggressively.

The legislature has authorized (California Health and Safety Codes, § 442700 (b) and 41511) Districts to require stationary sources of potential pollution to install monitoring devices and to reimburse Districts for costs related to collecting and evaluating data from such devices.

There are sites within Placer County which have had repeated releases of organic compounds. As it is now, the District must rely on self-reporting by the polluter, or a report of suspicious odors by nearby residents. By the time a report is investigated, the pollution may have dissipated.

Finding 1

The Grand Jury noted that the District is studying the feasibility of joining with an APCD similar in size and demographics.

➤ ***The Board of Supervisors and the County Executive Officer agree with the finding.***

Recommendation 1

The Grand Jury recommends that Placer County continue efforts to join neighboring counties to form a regional district in order to enforce California air pollution control laws.

- ***The recommendation requires further analysis.***
- ***The Board of Supervisors and the County Executive Officer strongly support efforts by the Air Pollution Control District to continue its study of the feasibility of joining with another District to create a more regional response to air pollution control and to more effectively and efficiently share resources and minimize operating costs. As indicated in the response of the District Board, staff has been directed to meet with the staff of the El Dorado County Air Pollution Control District to analyze the feasibility of merging the two Districts. The results of the analysis will include the advantages and disadvantages of the proposed merger and identify the cost impacts that may result. The analysis may also include a plan to accomplish the merger. The response of the District Board is included with this response.***

Finding 2

The California Health and Safety Code § 40701.5 provides that expenses of a district not met by grants, subventions, permit fees, penalties, or a surcharge of registered motor vehicles, shall be provided by an annual per capita assessment of those cities which have agreed to have a member on the District Board and of the County included in the District.

- ***The Board of Supervisors and the County Executive Officer agrees with the finding.***

Recommendation 2

The County and participating cities should share a per capita fee equally among each of the jurisdictions.

- ***The recommendation requires further analysis.***
- ***As indicated in the response of the District Board the recommendation will be evaluated for possible action in FY 2002-03 after a more thorough review of the financial condition of the District. The District has taken steps to improve its financial condition including an increase in revenue through vehicle license fee increases and annual adjustments in existing fees using the Consumer Price Index (CPI). The long term fiscal trend may indicate the need for a possible per capita fee assessment from the Cities and County that are members of the District; however, the District must demonstrate that it has identified all possible funding sources and that its operations are effective and efficient before consideration of the assessment. The response of the District Board is also included with this response.***

Finding 3

The California Health and Safety Code authorizes the District to adopt fees in conjunction with the Consumer Price Index (CPI) to stay current with the cost of administering programs.

- ***The Board of Supervisors and the County Executive Officer agree with the finding.***

Recommendation 3

Structure fees to reflect changes in the Consumer Price Index.

- ***The recommendation has been implemented. As indicated in the response from the District Board, a Resolution was adopted by that Board that allows an annual adjustment in approved fees by positive increases in the Consumer Price Index. The response of the District Board is included with this response.***

Finding 4

The APCD by law can charge a \$4 per vehicle registration fee. Placer County is one of three counties charging \$2. All the other counties charge \$4.

- ***The Board of Supervisors and the County Executive Officer agrees with the finding.***

Recommendation 4

Take the necessary steps to raise the per vehicle fee to \$4.

- ***The recommendation has been implemented. As indicated in the response of the District Board the vehicle fee has been increased to four dollars (\$4.00) per vehicle registration. The Board approved the increase on June 14, 2001. The additional revenue generated from the increase in the fee will allow the District to implement programs that may reduce emissions by an additional 93 tons each year. The response of the District Board is included with this response.***

Finding 5

The APCD does not have the resources to respond, in a timely fashion, to citizen complaints related to monitoring pollution releases from stationary industrial sources, nor does it have an adequate system in place for daily monitoring of potential or actual pollution releases. There are sites within Placer County which have had repeated releases of organic compounds. As it is now, the District must rely on self-reporting by the polluter, or a report of suspicion by nearby residents. By the time a report is investigated, the pollution may have dissipated.

- ***The Board of Supervisors and the County Executive Officer disagree partially with the finding. Although the District may rely on self-reporting or reports from residents of releases, its monitoring program meets standards adopted by the State.***

Recommendation 5

Develop plans to follow up aggressively on complaints from citizens related to discharges from industrial sites on a 24-hour basis. In addition, monitor, on a full time basis; repeat violators as well as sites, which may release toxic substances known to cause long term or acute health problems. The legislature has authorized Districts to require stationary sources of potential air pollution to install monitoring devices and to reimburse Districts for costs related to collecting and evaluating data from such devices (See Health and Safety Codes § 42700(b) and 41511).

- ***The recommendations will not be implemented by the District because they are not fiscally feasible and would be too costly for the benefits that may be derived.***
- ***As indicated in the response from the District Board, a 24-hour complaint response capability is too costly to justify based on the record of the number of complaints received by the District. The District currently uses an after-hours call out list that is available to public safety dispatchers to have staff respond to complaints. In addition, the District is evaluating the possibility of contracting with a firm to conduct 24-hour air sampling to help the District in its enforcement and response duties. Likewise, the recommendation to monitor emissions on a full-time basis would be very costly for the expected benefits. The current enforcement program of inspections, emission testing and audits comply with State regulations and program standards. In addition, the District has consulted with the Air Resources Board on improving its response to monitoring emissions by increasing inspections and record audits on a case-by-case basis. The response of the District is included with this response.***

Finding 6

Due to the rapid growth in Placer County, the Grand Jury recognizes the challenges faced by the Air Pollution Control District.

- ***The Board of Supervisors and the County Executive Officer agree with the Finding.***

Recommendation 6

The 2001-2002 Grand Jury should continue to monitor the Air Pollution Control District issues.

- ***The recommendation will be implemented. The Board of Directors of the District encourages the Grand Jury to continue its review of the District. The response of the District Board is included with this response.***

Respondents:

City of Auburn
City of Colfax
City of Lincoln
City of Rocklin
City of Roseville
Placer County Air Pollution Control Board
Placer County Board of Supervisors
Placer County Chief Executive Officer
Township of Loomis