



NORA VARGAS
CHAIRWOMAN
SUPERVISOR, FIRST DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM

DATE: October 8, 2024

12

TO: Board of Supervisors

SUBJECT

**EXPANSION OF EMERGENCY AIR QUALITY AND IMPROVEMENT
RELIEF: PROCUREMENT AND DISTRIBUTION OF AIR PURIFIERS RELATED TO
THE TIJUANA RIVER POLLUTION CRISIS AND A-72 WAIVER (DISTRICT: 1)**

OVERVIEW

For decades, South County communities have endured significant impacts from transboundary pollutants, including sediment, trash, and raw sewage that flow across the border into the Tijuana River Valley and neighboring areas like Imperial Beach, Nestor and San Ysidro. The combination of inadequate aging infrastructure and increasingly frequent climate-related emergencies has resulted in severe environmental, economic, and property damage from persistent cross-border sewage pollution and contaminated ocean waters.

Recognizing the urgency of this crisis, I have led the charge to secure relief for impacted communities. Under my leadership, the Board of Supervisors declared a local emergency on June 27, 2023, and directed staff to pursue all available federal and state funding sources. I have also spearheaded efforts to collaborate with federal, state, and local agencies, as well as stakeholders, to develop projects and innovative solutions to address the root causes of pollution.

As part of these efforts, I secured funding from the U.S. Environmental Protection Agency (EPA) to provide an additional disbursement of California Air Resources Board (CARB)-certified air purifiers for the Emergency Air Quality and Improvement Relief pilot program in collaboration with the San Diego Air Pollution Control District (APCD) and the County of San Diego. This funding is for the purchase of air purifiers, for eligible participants of the County's pilot program. This pilot program, originally approved by the Board on June 4, 2024 (19), provided air purifiers to impacted residents to mitigate the odors caused by sewage flows in the most affected communities.

On September 12, 2024, as a member of the APCD Governing Board, I introduced a motion to direct the Air Pollution Control Officer, as the lead agency for protecting the air quality for all

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residents in the South County region, to return back to the San Diego County Air Pollution Control District Governing Board on November 14, 2024, with the following item:

- Develop a plan for the APCD to continue funding, procurement and distribution of the appropriate air purifiers or filters, and/or personal protective equipment. Funding options to explore include expanding grant eligibility for the AB617 program, reallocation of funds from state/federal agencies, and the use of the projected operating fund balance of the APCD Operating Fund.

Today's action requests Board approval to authorize the Chief Administrative Officer (CAO) to collaborate with the San Diego Air Pollution Control District (APCD) for the transfer of U.S. EPA funds from the APCD to the County of San Diego and enter into an agreement for acceptance of these funds. These funds would benefit the procurement and distribution of more air purifiers to mitigate the odors caused by sewage flows in partnership with APCD.

**RECOMMENDATION(S)
CHAIRWOMAN NORA VARGAS**

1. Waive Board Policy A-72 Agenda and Related Process, Section 2.k.ii, which establishes required timelines for review when preparing a Board Letter.
2. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) because the recommended actions are administrative in nature and not a project as defined in CEQA Guidelines Section 15378(b)(5).
3. Pursuant to Government Code section 26227, and subject to the availability of funding:
 - a. Authorize the Chief Administrative Officer to negotiate and execute a Memorandum of Understanding with the San Diego County Air Pollution Control District (APCD) regarding funding for air purifiers, including the receipt and expenditure of funding pursuant to grant terms from the Environmental Protection Agency (EPA) , including sole source procurement pursuant to 2 CFR 200.320, as well as reimbursement for County expenditures to support emergency air quality and improvement relief efforts such as equipment and program administration costs
 - b. Direct the Chief Administrative Officer to conduct one or more rounds of distribution of air purifiers for eligible participants of the emergency air quality and improvement relief pilot program approved by the Board on June 4, 2024 (19), and authorize the Chief Administrative Officer to take any necessary actions to implement this initiative, and
 - c. Authorize the Director, Department of Purchasing and Contracting to procure air purifiers in support of such a program.

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4. Establish appropriations of up to \$ ~~2,360,000,000~~ in the Land Use and Environment Executive Office, based on funds received from APCD for the purchase of air purifiers ~~and General Reserve Funds, contingent on feasibility of utilizing the General Fund Reserves~~-(4 VOTES).
5. Direct staff to support the APCD by exploring future partnerships and providing information on the County's pilot program as APCD develops future programs to purchase and distribute air purifiers and/or protective equipment for residents impacted by air pollution and ambient odors.
6. ~~Direct staff to provide a replenishment strategy for the General Fund Reserves utilized by this action.~~

EQUITY IMPACT STATEMENT

The proposed efforts to continue providing immediate relief from the Tijuana River pollution crisis in the form of procurement for air purifiers will result in a positive, immediate impact on the residents affected by the gases emanating from the sewage pollution crisis.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to accept funds and continue providing immediate relief in the form of air purifiers will contribute to the health and overall well-being of South County residents, an underserved community, that has limited access to recreational activities due to the current pollution crisis affecting South County Beaches and protected areas.

FISCAL IMPACT

Funds for this action are not included in the Fiscal Year 2024-25 Operational Plan for the Land Use and Environment Executive Office. If approved, this request will result in estimated costs and revenue of approximately \$~~2,36200,000~~ to support emergency air quality and improvement relief efforts, including equipment and program administration costs, contingent on program requirements and funding availability for the Air Pollution Control District (APCD). The funding source is ~~the General Fund Reserve. In accordance with the San Diego County Code of Administrative Ordinances (Administrative Code) Section 113.1, related to General Fund Balances and Reserves, all appropriations of the General Fund Reserve will require at least four votes of the San Diego County Board of Supervisors. Up to \$2,200,000 of funding would be provided to the San Diego Air Pollution Control District (APCD) which would be repaid by revenue from the APCD, which is anticipating receiving funding from the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB), which have both~~ committed to support the procurement of air purifiers on an emergency basis.

~~Today's recommended use of the General Fund Reserve will reduce the Reserve to below the minimum required balance, and restoration of the Reserve to the minimum balance will take place over the next one to three years, pursuant to the County of San Diego (County) Administrative Code. A plan and amounts to support the replenishment of the Reserve will be included in the FY 2025-26 Operational Plan, based on available funding sources, which may include anticipated FY 2024-25 budgetary operational results, General Purpose Revenue~~

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~~generated by growth in the County's assessed value, and payments made from APCD. There will be no additional staff years.~~

~~Operational Plans for each impacted department, pending availability of funding. Funding options may include the reallocation of existing resources when the costs cannot be covered by any external funding.~~

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Pollutants, such as trash and raw sewage, flow into the Tijuana River when it rains, which then moves across the border into the Tijuana River Valley. Additional raw sewage from wastewater plants with failing infrastructure across the border is discharged into the ocean and adversely impacts water quality in San Diego, especially in Imperial Beach where some beaches have remained closed for over 1,000 days.

As a result, on June 27, 2023 (16), the Board of Supervisors (Board) issued a Proclamation of Local Emergency (Proclamation) due to the continued conditions for detrimental impacts to the environment, economy, and property within San Diego County, caused by persistent impacts from cross-border sewage pollution and sewage impacted ocean waters. The Proclamation was issued pursuant to the San Diego County Code of Regulatory Ordinances sections 31.101 et seq. and California Government Code section 8630.

While the County will continue working to solve the cross-border sewage pollution and mitigate its impact on ocean waters, there is an immediate need for short-term solutions to alleviate the odors caused by sewage flows. Odors have been consistently reported by South County residents for the past year as affecting and diminishing their quality of life.

The U.S. EPA, the County of San Diego, and the San Diego County Air Pollution Control District (APCD), in coordination with the U.S. Agency for Toxic Substances and Disease Registry (ATSDR), are working together to better understand recent detections of odors and to prepare for the possibility of an increase in transborder flows during the upcoming rainy season. Local, state and federal authorities, including U.S. EPA, ATSDR, County of San Diego, and California Department of Public Health, have communicated to the public that current assessments indicate no imminent danger from gases however air and odor impacts continue to affect community health. State and Federal agencies are supporting local agencies to understand the extent of the community's exposure and potential health impacts due to long-term exposure.

Government Code section 26227 authorizes the County to establish programs that the Board deems necessary to meet the social needs of the population. Included in today's recommended actions is

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that the Board find that the provision of California Air Resources Board (CARB)-certified air purifiers to residents of South County impacted by the ambient odors is necessary to meet the social needs of the population of the County. Specifically, such a program would meet the needs of South County residents in the areas of health and welfare, as exposure to these odors at high levels can lead to health issues such as dizziness, headaches, insomnia, nausea, and eye irritation.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support Sustainability and Equity initiatives in the County's 2024-29 Strategic Plan by combatting environmental justice and providing an immediate and short-term solution to the health impacts, resulting from the decades long transboundary pollution environmental crisis.

Respectfully submitted,



NORA VARGAS
Supervisor, First District

ATTACHMENT(S)

N/A