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C-4

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June 2, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt resolution to support SB 696 by Senator Rod Wright and Sponsored by the South Coast Air Quality Management District (AQMD) to resolve the air quality permit moratorium caused by a state court decision. (Citywide)

DISCUSSION

Pursuant to Council direction at the City Council meeting on May 5, 2009, the attached resolution has been prepared and is submitted for your approval.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 

AMY R. BURTON
Deputy City Attorney

ARB:kjm

A09-01438

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH TO SUPPORT SB 696 BY
5 SENATOR ROD WRIGHT AND SPONSORED BY THE
6 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
7 (AQMD) TO RESOLVE THE AIR QUALITY PERMIT
8 MORATORIUM CAUSED BY A STATE COURT CEQA
9 DECISION

10
11 WHEREAS, the South Coast Air Quality Management District, (AQMD), is
12 the agency responsible for attainment of state and federal clean air standards in the
13 Coachella Valley and South Coast Air Basin within prescribed timeframes; and

14 WHEREAS, Long Beach falls under the AQMD jurisdiction under the
15 provisions of the Health and Safety Code Section 40410; and

16 WHEREAS, the residents of Long Beach continue to be impacted by Ozone
17 and PM10 air pollution which affect their health and welfare; and

18 WHEREAS, the AQMD and Long Beach have a demonstrated history of
19 implementing air pollution control strategies; and collaborating on other air quality efforts
20 benefiting the residents of Los Angeles County; and

21 WHEREAS, under state and federal law, most local government and
22 business operations that have a potential to emit air pollutants must obtain a valid permit
23 from AQMD, prior to operation; and

24 WHEREAS, under state and federal law, facilities that wish to modernize,
25 start, or modify their operations with a potential emissions increase of one (1) pound per
26 day or more, must provide emission reduction credits (ERCs) purchased from the open
27 market, or offsets obtained from AQMD's internal bank; and

28 WHEREAS, due to a recent State Superior Court CEQA decision, the

1 AQMD has been forced to suspend operations of its internal bank of credits and cease
2 processing permit applications subject to Rule 1309.1 Priority Reserve and Rule 1304
3 Exemptions; and

4 WHEREAS, over 1200 permit applications are on hold; and

5 WHEREAS, this court action also impacts thousands of permits for which
6 the AQMD cannot ensure the long-term validity for permits that were issued on or after
7 September 8, 2006; and

8 WHEREAS, without AQMD's internal bank of credits, no essential public
9 service projects or local government and business permits can be issued that rely on
10 AQMD Rule 1304 or 1309.1, including hospitals, schools, police stations, landfills,
11 sewage treatment plants, renewable energy projects; and

12 WHEREAS, without legal remedy, the only remaining option for local
13 government and business is to purchase ERCs in the open market which are extremely
14 limited, expensive and potentially unaffordable; and

15 WHEREAS, this court action impacts local government and businesses in
16 Long Beach; thereby resulting in a direct and severe economic impact to the residents of
17 Long Beach;

18 WHEREAS, SB 696 will allow for the resumption of AQMD's internal credit
19 bank and the issuance of needed permits, pursuant to Rule 1304 and Rule 1309.1, which
20 are necessary for local government and business operations;

21 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
22 follows:

23 Section 1. That the City Council of the City of Long Beach hereby declares
24 and resolves its support for SB 696 authored by Senator Rod Wright to remove the
25 stranglehold on the economy and to permit facility modernizations and other emission
26 reduction projects to move forward.

27 Section 2. This resolution shall take effect immediately upon its adoption by
28 the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__ by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

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