

Stipulations to the SDIA 2008 Variance to the California Noise Standards

1. This variance shall be granted for a period of three years beginning on the effective date of this order.
2. The Airport Authority shall continue to file the required Quarterly Noise Reports, and shall include in those reports the additional information contemplated by the Authority's 2001 NIEP (Noise Information Enhancement Program).
3. The Airport Authority's annual report (for each calendar year) shall plot the annual CNEL contours for the 60, 65, 70, 75 and 80 dB CNEL noise contour levels (as currently developed and reported by the Authority) and shall quantify the area of incompatible land use.
4. The Airport Authority shall continue to maintain an Airport Noise management Office at SDIA, which shall, among other things, receive and respond to aircraft noise complaints and gather information on aircraft operations and noise levels at SDIA by use of the aircraft noise monitoring system. The Authority shall include a status report of this matter with its quarterly reports to the Department. Originals or copies of all public records generated in connection with the operation of the Airport Noise Management Office shall, at a minimum: (i) Be maintained at the Airport Noise Management Office for not less than two (2) years; and (ii) be available for public inspection and designation for copying during normal business hours.
5. During the period of this variance, the Airport Authority shall continue implementation of the Residential Sound Attenuation Program (Quieter Home Program), as agreed to in the 1997 and 2001 stipulations of the parties, including its efforts to obtain full federal discretionary AIP funding to match the annual Authority contribution. The Authority has no obligation under the RSAP, or under this variance, to commit or support other use of any Federal AIP funds allocated to the Authority in its capacity as the proprietor of SDIA as "entitlement" funds under the AIP program in any year during which the Quieter Home Program is in effect. In addition, the Authority shall continue to retain its legislative discretion to review and revise elements (other than the funding level commitments, obligations of its stipulations, and the conditions of this variance decision) of the RSAP including, but not limited to, revisions of the eligibility and funding priority provisions of the QHP; and that, after the term of this variance, retains the right and legislative discretion to terminate the QHP. However, and such decision to terminate the QHP must be demonstrably reasonable and shall not be arbitrary and capricious.
6. The Airport Authority shall continue to implement its 2001 Noise Information Enhancement program, except that the frequency of the Airport Noise Advisory Committee (ANAC), specified in paragraph 1(c), page two, of Attachment C to the 2001 variance stipulation, is revised to require that the ANAC meet not less frequently than quarterly.
7. During the term of this variance, the Airport Authority shall conduct a study modeling the potential noise effects which would result in areas surrounding SDIA if the commercial airlines using SDIA were to employ "Noise Abatement Departure procedures" as permitted by FAA Advisory Circular 91-53A, during departure from SDIA. The purpose of this study is to determine what net cost benefits, if any, might result from the employment of such procedures. This condition does not imply that the Authority has any direct, lawful, regulatory authority to require commercial airlines to employ any such procedures. But if the study demonstrates significant net noise benefits to the entire affected community, the Authority will pursue efforts to encourage the use of such procedures at SDIA on a voluntary basis, in coordination with the individual airline operators and the FAA. In performing the study, the Authority will provide appropriate opportunities for public input, and the final results will be presented to and considered by the Authority's governing board.
8. The Airport Authority shall submit its request for any further variance to the Department in accordance with the then current regulations of the Department, but, in any case, not later than sixty (60) days prior to the expiration of the variance. A copy of the application shall be provided to each of the parties to the stipulation.