

BOARD MEETING DATE: October 4, 2024

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the September 6, 2024
Board Meeting.

RECOMMENDED ACTION:

Approve the September 6, 2024 Board Meeting Minutes.

Faye Thomas
Clerk of the Boards

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FRIDAY, SEPTEMBER 6, 2024

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted in a hybrid format (in person and remotely via videoconferencing and telephone). Members present:

Senator Vanessa Delgado (Ret.), Chair
Senate Rules Committee Appointee

Councilmember Michael A. Cacciotti, Vice Chair
Cities of Los Angeles County – Eastern Region

Mayor Patricia Lock Dawson
Cities of Riverside County

Supervisor Curt Hagman
County of San Bernardino

Mayor Pro Tem Larry McCallon
Cities of San Bernardino County

Supervisor V. Manuel Perez
County of Riverside

Councilmember Carlos Rodriguez
Cities of Orange County

Mayor José Luis Solache
Cities of Los Angeles County – Western Region

Absent: Supervisor Andrew Do
County of Orange

Gideon Kracov
Governor's Appointee

Supervisor Holly J. Mitchell
County of Los Angeles

Board Member Veronica Padilla-Campos
Speaker of the Assembly Appointee

Councilmember Nithya Raman
City of Los Angeles

For additional details of the Governing Board Meeting, please refer to the recording of the [Webcast](#) at: Live Webcast (aqmd.gov)

CALL TO ORDER: Chair Delgado called the meeting to order at 9:03 a.m.

- Pledge of Allegiance: Led by Vice Chair Cacciotti
- Roll Call
Supervisor Hagman arrived at 9:08 a.m.
- Opening Comments

Vice Chair Cacciotti expressed appreciation to the MSRC and the Board for the funds awarded to the City of South Pasadena's police department to implement an all-electric fleet and shared a video showcasing the Tesla police vehicles. For additional details, please refer to the [Webcast](#) beginning at 6:49.

Executive Officer Wayne Nastri provided a brief update on the Ports Working Group Meetings, and announced that the September meetings of the Mobile Source, Stationary Source, and Technology committees were being cancelled.

Chair Delgado acknowledged the passing of former Los Angeles Councilmember and California State Assemblymember Richard Alatorre and requested that today's meeting be adjourned in his honor. Chair Delgado, Mayor Solache, Supervisor Perez, Vice Chair Cacciotti, and Mayor Lock Dawson reflected on the legacy and leadership of Mr. Alatorre and extended condolences to his family. A moment of silence was observed in Mr. Alatorre's honor. For additional details, please refer to the [Webcast](#) beginning at 12:06.



PUBLIC COMMENT PERIOD – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

The Public Comment Period on Non-Agenda Items was opened. The following individuals addressed the Board.

Fernando Gaytan, Earthjustice, expressed gratitude to the Board for unanimously passing the Rail Yard ISR rule at the August meeting. He commented on the Ports ISR and requested that the draft rule language be released within the next month to begin developing the rule and addressing infrastructure challenges. For additional details, please refer to the [Webcast](#) beginning at 26:00.

Ranji George, a member of the public, acknowledged the passing of Elaine Chang, former South Coast AQMD Deputy Executive Officer of Planning & Rules. He commented on the merits of hydrogen and urged the Board to support hydrogen technology. For additional details, please refer to the [Webcast](#) beginning at 28:42.

There being no further requests to speak, the public comment period was closed for Non-Agenda Items.



CONSENT AND BOARD CALENDAR

Items 1 through 3 – Action Items/No Fiscal Impact

1. Approve Minutes of August 2, 2024 Board Meeting
2. Set Public Hearings October 4, 2024 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations
 - A. Certify Final Subsequent Environmental Assessment for Proposed Amended Rule 1135 - Emissions of Oxides of Nitrogen From Electricity Generating Facilities; and Amend Rule 1135
 - B. Determine That Coachella Valley Attainment Plan for 2008 8-Hour Ozone Standard Is Exempt from CEQA and Adopt Coachella Valley Attainment Plan for 2008 8-Hour Ozone Standard
3. Execute Memorandum of Cooperation on Building Transpacific Partnerships for Green Maritime Economy, between South Coast AQMD and Harbor Department of City of Long Beach in Southern California and North American Representative Office of Shenzhen, Shenzhen Port Group Company Limited, and Yantian International Container Terminals Limited in Shenzhen, China

Items 4 through 10 – Budget/Fiscal Impact

4. Allocate Funds, Issue RFP, Execute and Amend Contracts for Residential and Commercial Electric Lawn and Garden Equipment Program Support
5. Issue Program Announcement and Execute Contracts for AB 617 Public School Air Filtration Program
6. Establish Special Revenue Fund and Recognize Revenue for Implementation of INVEST CLEAN Program and Reimburse General Fund
7. Adopt Resolution to Recognize Funds and Accept Terms and Fulfill Conditions and Requirements of Sustainable Transportation Planning Grant Award from California Department of Transportation and Authorize Executive Officer to Enter into Agreement with California Air Pollution Control Officer's Association
8. Authorize Purchase of Microsoft Office 365
9. Transfer and Appropriate Funds and Authorize Sole Source Purchase to Replace Uninterruptable Power Supply System at Diamond Bar Headquarters
10. Issue Request for Information and Approve MOUs, Clarified Funding Allocation and Fund Transfer for Miscellaneous and Direct Expenditures Costs in FY 2024-25 as Approved by MSRC

Items 11 through 19 – Information Only/Receive and File

11. Legislative, Public Affairs and Media Report
12. Hearing Board Report
13. Civil Filings and Civil Penalties Report
14. Intergovernmental Review of Environmental Documents and CEQA Lead Agency Projects
15. Rule and Control Measure Forecast
16. Status Report on Regulation XIII – New Source Review
17. Report of RFQs/RFPs Scheduled for Release in September
18. FY 2023-24 Contract Activity
19. Status Report on Major Ongoing and Upcoming Projects for Information Management

Items 20 through 25 – Reports for Committees and CARB

The CARB Board meeting for August was cancelled.

20. Administrative Committee
21. Legislative Committee
22. Mobile Source Committee
23. Stationary Source Committee
24. Technology Committee
25. Mobile Source Air Pollution Reduction Review Committee
26. Items Deferred from Consent and Board Calendar
There were no items deferred.

Disclosures

Mayor Pro Tem McCallon reported that he had no financial interest in Agenda Item No. 10 but is required to identify for the record that he is the Chair of the MSRC, which is involved in this item.

Supervisor Hagman reported that he had no financial interest in Agenda Item No. 10 but is required to identify for the record that he is a Member of the MSRC, which is involved in this item.

Executive Officer Wayne Nastri reported that he had no financial interest in Agenda Item No. 7 but is disclosing for the record that he is a Director of the California Air Pollution Control Officers Association, which is involved in this item.

The public comment period was opened for Agenda Item Nos. 1-25. The following individual addressed the Board.

Agenda Item No. 6

Ranji George, expressed support for funds awarded to implement battery electric projects but was disappointed that staff did not include funding to advance hydrogen technologies or to address growing concerns about the disposal of EV batteries. For additional details, please refer to the [Webcast](#) beginning at 33:15.

There being no further requests to speak, the public comment period was closed for Agenda Item Nos. 1 through 25.



Board Action (Items 1-25)

MOVED BY HAGMAN AND SECONDED BY MCCALLON TO APPROVE AGENDA ITEM NOS. 1 THROUGH 25 AS RECOMMENDED AND:

RECEIVE AND FILE THE REPORTS FOR THE BOARD COMMITTEES AND MSRC; AND

ADOPT RESOLUTION NO. 24-22 RECOGNIZING FUNDS AND ACCEPTING THE TERMS AND FULFILLING THE CONDITIONS AND REQUIREMENTS OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) SUSTAINABLE TRANSPORTATION PLANNING GRANT AWARD.

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Hagman, McCallon, Perez, Rodriguez, and Solache

NOES: None

ABSENT: Do, Kracov, Mitchell, Padilla-Campos, and Raman



STAFF PRESENTATION/BOARD DISCUSSION/RECEIVE AND FILE

27. Permitting Enhancement Program Status Update

Jason Aspell, Deputy Executive Officer/Engineering and Permitting, gave the staff presentation on Agenda Item No. 27 and shared a video of initial work on the new automation/modernization tools for the permitting process. For additional details, please refer to the [Webcast](#) beginning at 37:08.

Ron Moskowitz, Chief Information Officer/Information Management, highlighted how artificial intelligence (AI) was used in the video demonstration and the work that Information Management staff is doing to evaluate how the South Coast AQMD can effectively use AI technologies. For additional details, please refer to the [Webcast](#) beginning at 54:40.

Chair Delgado inquired about outreach to inform permit applicants about the Permit Streamlining Task Force (PSTF) and the new electronic permit application submittal system. Mr. Aspell explained that in addition to various distribution lists they recently launched a general permitting sign up and are continuing to work to build on wider distribution of notices for these meetings. For additional details, please refer to the [Webcast](#) beginning at 56:12.

Chair Delgado asked Mr. Aspell for his opinion about the Permit Enhancement Program (PEP). Mr. Aspell responded that it was daunting in the beginning, but it is nice to see staff's efforts and the increase in production numbers. For additional details, please refer to the [Webcast](#) beginning at 58:11.

Supervisor Perez commented on the importance of training and creating a positive culture of "yes" to show staff our mission and how we can improve public health, balance economic development and bring forces together. He also discussed the air quality challenges in Coachella Valley and that new tools may be needed to better understand and address the dust issues in that area. For additional details, please refer to the [Webcast](#) beginning at 59:10.

Supervisor Perez asked about how long it takes to process a permit. Mr. Aspell responded that it depends on the type of project. Simple projects can be two months while other permits are generally six months. Title V permits and more complex permits can be 18 months and sometimes longer. Supervisor Perez commented that when other agencies are involved, such as U.S. EPA, interagency staff communication is important to keep the project moving for the benefit of the community. For additional details, please refer to the [Webcast](#) beginning at 1:05:00.

Mayor Pro Tem McCallon thanked Chair Delgado for her leadership on this issue and congratulated staff for their efforts. He commented on the disturbing aspect of Artificial Intelligence to manipulate visuals, which he cited as a reason to want to have in person interactions. For additional details, please refer to the [Webcast](#) beginning at 1:07:05.

Councilmember Rodriguez echoed comments regarding the Chair's leadership and staff's efforts and commented that it would be good to have general goals for completing different types of permits. He added that communicating these general timeframes to permit applicants will provide an expectation. Councilmember Rodriguez recognized that some permits may take longer than the goal, but this information provides mutual expectations. Mr. Aspell provided information about outreach efforts and how his team is looking at mechanisms to shorten the review process. For additional details, please refer to the [Webcast](#) beginning at 1:07:08.

The public comment period was opened for Agenda Item No. 27. The following individuals addressed the Board. For additional details, please refer to the [Webcast](#) beginning at the time stamp indicated below.

David Rothbart, Clean Water SoCal and PSTF member (1:13:36)

Bill Quinn, California Council for Environmental and Economic Balance and PSTF member (1:21:44)

Curt Coleman, Southern California Air Quality Alliance (1:22:48)

The above speakers made the following comments.

- Appreciative of Chair Delgado identifying this issue as a priority
- Acknowledged staff for their hard work and progress in streamlining the permit process
- Commended staff for changing the PSTF to an advisory role
- Suggested evaluating the potential of AI to process permit applications for complex rules and regulations
- Noted that streamlining of the permit process benefits both businesses and community

Dr. Genghmun Eng, a member of the public, commented on President Biden's Executive Order to prioritize environmental justice communities and expressed concern that efforts to expedite the permit process for businesses will jeopardize impacted communities. For additional details, please refer to the [Webcast](#) beginning at 1:16:15.

Chair Delgado and Vice Chair Cacciotti spoke about the air quality and public health benefits to expediting the permit process. Supervisor Perez commented that it is important to think about the community benefit moving forward especially in environmental justice communities. For additional details, please refer to the [Webcast](#) beginning at 1:18:29.

Harvey Eder, Public Solar Power Coalition, commented on the need to ensure that equity considerations are included in the permitting process. For additional details, please refer to the [Webcast](#) beginning at 1:24:00.

There being no further requests to speak, the public comment period was closed for Agenda Item No. 27.

PUBLIC HEARINGS

28. Determine That Proposed Rule 1165 – Control of Emissions from Municipal Solid Waste Incinerators, Is Exempt from CEQA and Adopt Rule 1165

Michael Morris, Planning and Rules Manager, gave the staff presentation on Agenda Item No. 28. For additional details, please refer to the [Webcast](#) beginning at 1:25:44.

The public comment period was opened for Agenda Item No. 28. The following individual addressed the Board.

Dr. Genghmun Eng expressed concerns that municipal solid waste incinerators are a source of dioxin emissions, and recommended that PR 1165 include requirements for dioxin control in the CEMs. He requested that the Board continue this item to the October meeting to allow staff to address additional public comments and offer an alternative proposal for the Board to consider. (Submitted Written Comments) For additional details, please refer to the [Webcast](#) beginning at 1:30:00.

There being no further requests to speak, the public comment period was closed for Agenda Item No. 28.



Supervisor Perez requested that staff respond to Mr. Eng's concerns regarding dioxins. Mike Krause, Assistant Deputy Executive Officer/Planning, Rule Development and Implementation, explained that dioxins are regulated under South Coast AQMD Rule 1401 and Rule 1402 as well as federal regulations that regulate dioxins from large municipal waste incinerators. These sources are also evaluated by South Coast AQMD staff during the permitting process. For additional details, please refer to the [Webcast](#) beginning at 1:33:10.

Executive Officer Nastri added that the only facility expected to be subject to PR 1165 is the Southeast Resource Recovery Facility (SERRF) and the facility is currently in the process of decommissioning and shutting down. U.S. EPA has requested a rule to address municipal waste incinerators in the event the facility does not shutdown or there is a new facility that is constructed. For additional details, please refer to the [Webcast](#) beginning at 1:34:33.

Councilmember Rodriguez asked about the final decommissioning date for SERRF and whether any future municipal solid waste incinerator facility would have to comply with PR 1165. Mr. Morris responded that the decommissioning of SERRF is scheduled for the beginning of next year. Executive Officer Nastri explained that new facilities would have to comply with Rule 1165 as well as New Source Review, which would be difficult for a new municipal solid waste incinerator facility to get permitted. For additional details, please refer to the Webcast beginning at 1:35:20.



Board Action (Item 28)

MOVED BY HAGMAN AND SECONDED BY CACCIOTTI TO APPROVE AGENDA ITEM NO 28 AS RECOMMENDED AND ADOPT RESOLUTION NO. 24-23:

- 1) DETERMINING THAT PROPOSED RULE 1165 – CONTROL OF EMISSIONS FROM MUNICIPAL SOLID WASTE INCINERATORS, IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND

2) ADOPTING RULE 1165 – CONTROL OF EMISSIONS FROM MUNICIPAL SOLID WASTE INCINERATORS.

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Hagman, McCallon, Perez, Rodriguez, and Solache

NOES: None

ABSENT: Do, Kracov, Mitchell, Padilla-Campos, and Raman



29. Receive and File 2023 Annual Report on AB 2588 Program and Approve Updates to AB 2588 and Rule 1402 Supplemental Guidelines

Scott Epstein, Planning and Rules Manager, gave the staff presentation on Agenda Item No. 29. For additional details, please refer to the [Webcast](#) beginning at 1:36:45.

In response to Mayor Pro Tem McCallon's inquiry about the status of OEHHA's pending guidance on ethylene oxide, Dr. Epstein responded that staff did not have any information on when it will be released. For additional details, please refer to the [Webcast](#) beginning at 1:46:59.

The public comment period was opened for Agenda Item No. 29. The following individual addressed the Board.

Harvey Eder commented on the data and number of deaths due to PM2.5 exposure and climate change. For additional details, please refer to the [Webcast](#) beginning at 1:47:49.

There being no further requests to speak, the public comment period was closed for Agenda Item No. 29.

Board Action (Item 29)

MOVED BY HAGMAN AND SECONDED BY PEREZ TO APPROVE AGENDA ITEM NO 29 AS RECOMMENDED TO:

- 1) RECEIVE AND FILE THE 2023 ANNUAL REPORT ON THE AB 2588 PROGRAM; AND
- 2) APPROVE UPDATES TO THE AB 2588 AND RULE 1402 SUPPLEMENTAL GUIDELINES

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Hagman, McCallon, Perez, Rodriguez, and Solache

NOES: None

ABSENT: Do, Kracov, Mitchell, Padilla-Campos, and Raman



CLOSED SESSION

The Board recessed to closed session at 10:48 a.m., pursuant to Government Code section 54957.6 to confer with labor negotiators:

Agency Designated Representative: A. John Olvera, Deputy Executive Officer – Administrative & Human Resources;

- Employee Organization(s): Teamsters Local 911, and South Coast AQMD Professional Employees Association; and
- Unrepresented Employees: Executive Officer, General Counsel, Designated Deputies and Management and Confidential employees.

Following closed session, Bayron Gilchrist, General Counsel, announced that a report of any reportable actions taken in closed session will be provided to the Clerk of the Boards.

ADJOURNMENT

There being no further business, the meeting was adjourned by Mr. Gilchrist at 11:03 a.m. The meeting was adjourned in memory of former Los Angeles Councilmember and California State Assemblymember Richard Alatorre.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on September 6, 2024.

Respectfully Submitted,

Faye Thomas
Clerk of the Boards

Date Minutes Approved: _____

Vanessa Delgado, Chair

ACRONYMS

- AQMP = Air Quality Management Plan
- CARB = California Air Resources Board
- CEMS = Continuous Emission Monitoring System
- CEQA = California Environmental Quality Act
- FY = Fiscal Year
- MSRC = Mobile Source Air Pollution Reduction Review Committee
- OEHHA = Office of Environmental Health Hazard Assessment