

BOARD MEETING DATE: September 6, 2019

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the July 12, 2019 meeting.

RECOMMENDED ACTION:

Approve Minutes of the July 12, 2019 Board Meeting.

Denise Garzaro
Clerk of the Boards

DG

FRIDAY, JULY 12, 2019

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was held at District Headquarters, 21865 Copley Drive, Diamond Bar, California. Members present:

William A. Burke, Ed.D., Chairman
Speaker of the Assembly Appointee

Council Member Ben Benoit, Vice Chairman
Cities of Riverside County

Council Member Joe Buscaino (Arrived at 9:15 a.m.)
City of Los Angeles

Council Member Michael A. Cacciotti
Cities of Los Angeles County – Eastern Region

Senator Vanessa Delgado (Ret.)
Senate Rules Committee Appointee

Supervisor Janice Hahn
County of Los Angeles

Mayor Judith Mitchell
Cities of Los Angeles County – Western Region

Council Member Dwight Robinson
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Members absent:

Supervisor Lisa A. Bartlett
County of Orange

Mayor Pro Tem Larry McCallon
Cities of San Bernardino County

Supervisor V. Manuel Perez
County of Riverside

Vacant: Governor's Appointee

CALL TO ORDER: Chairman Burke called the meeting to order at 9:05 a.m.

- Pledge of Allegiance: Led by Chairman Burke.
- Opening Comments

Mayor Mitchell announced that she attended, along with Mr. Nastri and staff, the University of California Institute of Transportation Studies conference at Asilomar where there were many educational sessions related to transportation electrification.

Supervisor Hahn commented on a New York Times article regarding banning MHF and referenced a letter received from the Torrance Refinery Action Alliance regarding recent action taken by the Refinery Committee. She requested clarification on the Refinery Committee's action to proceed with an MOU with the refineries and asked if rulemaking is still being considered.

Mr. Nastri explained that the Board's direction was to move forward with both a MOU and rulemaking, and work is proceeding on both efforts. The Refinery Committee provided guidance on what elements should be included in the MOU and staff is working with stakeholders, the refineries and the public on proposed rulemaking. Both the MOU and proposed rule will be brought to the Board for consideration.

Chairman Burke commented that Mayor Pro Tem McCallon has communicated to him that the Refinery Committee took action to direct staff to develop MOUs with both the Torrance and Wilmington refineries and bring the MOUs to the Board for consideration at the November 6 meeting. Mr. Nastri responded that the MOUs and consideration of the proposed rule are currently scheduled for the November Board meeting.

(Council Member Buscaino arrived at 9:15 a.m.)

Council Member Cacciotti noted that he is in the process of visiting all 35 cities within his district of Eastern Los Angeles County to share information about South Coast AQMD, shared photos from the city council meetings he has attended and added that he uses his bicycle and public transit to get to all of the meetings. He acknowledged the efforts of South Coast AQMD staff to attend and participate in meetings and events across the region.

Supervisor Rutherford announced that a groundbreaking ceremony for the new Arrow commuter line will take place on July 19, 2019 in Redlands. The 9-mile route will connect downtown San Bernardino to the University of Redlands using clean train technology. She noted that the San Bernardino Transportation Authority approved hydrogen fuel cell battery-operated trains as the preferred option. She added that there has been discussion about linking the Arrow commuter line to Union Station in the future.

Senator Delgado introduced her staff consultants and assistant.

Mr. Nastri announced that Dr. Laki Tisopulos, DEO/Engineering and Permitting, has accepted a position with the Ventura County Air Pollution Control District and acknowledged his many years of service to the South Coast AQMD.

Chairman Burke acknowledged, on behalf of the Board, Mr. Tisopulos' years of dedicated service to the South Coast AQMD and his efforts to reduce the permit backlog. Mayor Mitchell and Council Member Cacciotti also acknowledged his contributions.

Mr. Tisopulos expressed appreciation for the opportunity to serve at the South Coast AQMD.

Chairman Burke acknowledged the presence of the 2019 student interns and thanked them for their efforts.

CONSENT CALENDAR

1. Approve Minutes of June 7, 2019 Board Meeting
2. Set Public Hearing September 6, 2019 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations

Certify Final Environmental Assessment and Amend Rule 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations

Budget/Fiscal Impact

3. Recognize Revenue, Execute and Amend Contracts for Near-Zero and Zero Emission Construction Equipment and Natural Gas and Electric Trucks and Infrastructure, and Reimburse General Fund for Administrative Costs
4. Execute Contract to Evaluate Meteorological Factors and Trends Contributing to Recent Poor Air Quality in South Coast Air Basin
5. Approve Funds to Continue Year-Round Electric Lawn Mower Rebate Program
6. Amend Awards for Alternative Fuel School Bus Replacement Program

7. Transfer and Appropriate Funds, Issue Solicitations and Purchase Orders, and Add/Delete Positions for Rule 1180 Implementation and Enhanced Particulate Monitoring Programs
8. Issue RFP for Data Cable Infrastructure Installation
9. Execute Contract for Elevator Modernization Project
10. Approve Position Reclassifications; Adopt New Class Specification; and Adopt Resolution Amending Salary Resolution
11. Approve Contract Modification Approved by MSRC and Approve Fund Transfer for Miscellaneous and Direct Expenditures Costs in FY 2019-20 as Approved by MSRC

Mayor Pro Tem Mitchell noted that she is a Board Member of the CARB which is involved with Item Nos. 3 and 6.

Harvey Eder, Public Solar Power Coalition, addressed the Board on the Consent and Board Calendar items expressing support for zero emission vehicles, solar renewable trucks and solar equity programs for moderate-to-low income households. He noted concern for using natural gas and earthquake preparedness.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEMS 1 THROUGH 4 AND 6 THROUGH 11 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-14 AMENDING SOUTH COAST AQMD'S SALARY RESOLUTION TO ESTABLISH THE SALARY FOR A NEW CLASSIFICATION, AND DELETE CLASSIFICATIONS, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, Mitchell, Robinson and Rutherford

NOES: None

ABSENT: Bartlett, McCallon and Perez

18. Item Deferred from Consent Calendar

5. Approve Funds to Continue Year-Round Electric Lawn Mower Rebate Program

Council Member Cacciotti expressed support for the Lawn Mower Rebate Program and commented that there are now many more choices for consumers. He noted that there are opportunities for increasing education, outreach and participation for electric lawn care equipment.

Chairman Burke inquired about the status of the commercial electric leaf blower program.

Derrick Alatorre, DEO/Legislative, Public Affairs and Media, explained that among other efforts, Senator Delgado would be facilitating a focus group to discuss ways to increase awareness of electric leaf blowers and lawn care equipment.

Senator Delgado noted that independent commercial gardeners have expressed concerns about the high cost of electric equipment, and she is concerned about health impacts of workers using lawn care equipment.

Chairman Burke expressed support for incentive programs to assist in the transition to electric lawn care equipment.

Mayor Mitchell stated that there are significant emission from this equipment and expressed support for funding electric lawn care equipment to reduce the VOC and NOx emissions associated with gas-powered equipment.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM NO. 5 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, Mitchell, Robinson and Rutherford

NOES: None

ABSENT: Bartlett, McCallon and Perez

Items 12 through 17 – Information Only/Receive and File

12. Legislative, Public Affairs and Media Report
13. Hearing Board Report
14. Civil Filings and Civil Penalties Report
15. Lead Agency Projects and Environmental Documents Received
16. Rule and Control Measure Forecast
17. Status Report on Major Ongoing and Upcoming Projects for Information Management

BOARD CALENDAR

19. Administrative Committee
20. Legislative Committee
21. Mobile Source Committee
22. Stationary Source Committee
23. Technology Committee
24. Mobile Source Air Pollution Reduction Review Committee
25. California Air Resources Board Monthly Report
26. Receive and File California Fuel Cell Partnership Executive Board Meeting Agenda and Activity Update

MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEMS 12 THROUGH 26, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, CaFCP UPDATE, MSRC AND CARB REPORTS, AND APPROVING THE FOLLOWING POSITION ON LEGISLATION, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, Mitchell, Robinson and Rutherford

NOES: None

ABSENT: Bartlett, McCallon and Perez

Agenda Item	Recommendation
SB 216 (Galgiani) Carl Moyer Memorial Air Quality Standards Attainment Program: used heavy-duty truck exchange	Support with Amendments

PUBLIC HEARINGS

27. Determine That Proposed Amendment to Rule 301 – Permitting and Associated Fees, Is Exempt from CEQA; Amend Rule 301; and Submit Rule 301 to CARB for Inclusion into SIP

The presentation on Item No. 27 was waived. The public hearing was opened, and the following individual provided testimony on the item.

Mr. Eder expressed concern about the reported numbers for NOx and methane emissions and the effects of climate change. He expressed concern for CEQA exemptions and stated that every permit should be evaluated for solar.

There being no further testimony on this item, the public hearing was closed.

MOVED BY MITCHELL, SECONDED BY BENOIT, AGENDA ITEM NO. 27 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-15 DETERMINING THAT PROPOSED AMENDED RULE 301 – PERMITTING AND ASSOCIATED FEES IS EXEMPT FROM THE REQUIREMENTS OF CEQA, AMENDING RULE 301 BY ADDING A CERTIFICATION REQUIREMENT FOR EMISSION REPORTS AND SUBMITTING PROPOSED AMENDED RULE 301(e)(1)(A) AND (e)(1)(B), (e)(2), (e)(5) and (e)(8) TO THE CALIFORNIA AIR RESOURCES BOARD FOR FORWARDING TO U.S. EPA AND INCLUSION INTO THE STATE IMPLEMENTATION PLAN, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, Mitchell, Robinson, and Rutherford

NOES: None

ABSENT: Bartlett, McCallon and Perez

28. Determine That Proposed Amendments to Rule 2001 – Applicability, Are Exempt from CEQA and Amend Rule 2001

The presentation on Item No. 28 was waived. The public hearing was opened, and the following individual provided testimony on the item.

Mr. Eder expressed support for complete solar conversion and noted that solar should be considered as BARCT. He added concern about drug resistant antibiotics and renewable natural gas.

There being no further testimony on this item, the public hearing was closed.

MOVED BY CACCIOTTI, SECONDED BY BENOIT, AGENDA ITEM NO. 28 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-16 DETERMINING THAT PROPOSED AMENDED RULE 2001 – APPLICABILITY, IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 2001 -- APPLICABILITY, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti,
Delgado, Hahn, Mitchell, Robinson,
and Rutherford

NOES: None

ABSENT: Bartlett, McCallon and Perez

29. Determine That Proposed Amendments to Regulation IX – Standards of Performance for New Stationary Sources, and Regulation X – National Standards for Hazardous Air Pollutants, Are Exempt from CEQA and Amend Regulations IX and X

The presentation on Item No. 29 was waived. The public hearing was opened, and the following individual provided testimony on the item.

Mr. Eder expressed concerns about CEQA exemptions and noted that natural gas should be considered toxic. He expressed support for solar technologies because of the cost savings and emission reductions.

There being no further testimony on this item, the public hearing was closed.

MOVED BY HAHN, SECONDED BY BENOIT,
AGENDA ITEM NO. 29 APPROVED AS
RECOMMENDED, ADOPTING RESOLUTION
NO. 19-17 DETERMINING THAT PROPOSED
AMENDED REGULATION IX – STANDARDS
OF PERFORMANCE FOR NEW STATIONARY
SOURCES, AND PROPOSED AMENDED
REGULATION X – NATIONAL EMISSION
STANDARDS FOR HAZARDOUS AIR
POLLUTANTS, ARE EXEMPT FROM THE
REQUIREMENTS OF CEQA AND AMENDING
REGULATION IX – STANDARDS OF
PERFORMANCE FOR NEW STATIONARY
SOURCES, AND REGULATION X –
NATIONAL EMISSION STANDARDS FOR
HAZARDOUS AIR POLLUTANTS, BY THE
FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti,
Delgado, Hahn, Mitchell, Robinson,
and Rutherford

NOES: None

ABSENT: Bartlett, McCallon and Perez

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

Mr. Eder expressed support for renewable energy options and equitable solar-electric vehicle programs.

CLOSED SESSION

Mr. Eder commented that summaries should be provided to the public on cases under closed session.

Bayron Gilchrist, General Counsel, explained that closed session items are listed on the agenda according to Brown Act requirements.

The Board recessed to closed session at 10:15 a.m., pursuant to Government Code sections:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

- 54956.9(a) and 54956.9(d)(1) to confer with its counsel regarding pending litigation which has been initiated formally and to which the South Coast AQMD is a party. The actions are:

In the Matter of SCAQMD v. Aerocraft Heat Treating Co., Inc. and Anaplex Corp., South Coast AQMD Hearing Board Case No. 6066-1 (Order for Abatement);

SCAQMD v. Anaplex, Los Angeles Superior Court Case No. BC608322 (Paramount Hexavalent Chromium);

People of the State of California, ex rel. SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528; and

In re: Exide Technologies, Inc., U.S. Bankruptcy Court, District of Delaware, Case No. 13-11482 (KJC) (Bankruptcy Case).

Following closed session, Mr. Gilchrist announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board's office and made available to the public upon request.

ADJOURNMENT

There being no further business, the meeting was adjourned by Mr. Gilchrist at 10:40 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on July 12, 2019.

Respectfully Submitted,

Denise Garzaro
Clerk of the Boards

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan
BARCT = Best Available Retrofit Control Technology
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
COG = Council of Governments
DOE = Department of Energy
FY = Fiscal Year
GHG = Greenhouse Gas
MHF = Modified Hydrofluoric Acid
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
NESHAP = National Emission Standards for Hazardous Air Pollutants
NSPS = New Source Performance Standards
NOx = Oxides of Nitrogen
PM = Particulate Matter
RECLAIM = Regional Clean Air Incentives Market
RFP = Request for Proposals
U.S. EPA = United States Environmental Protection Agency
VOC = Volatile Organic Compound