

BOARD MEETING DATE: January 5, 2024

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the December 1, 2023
Board Meeting.

RECOMMENDED ACTION:

Approve the December 1, 2023 Board Meeting Minutes.

Faye Thomas
Clerk of the Boards

FT

FRIDAY, DECEMBER 1, 2023

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

Gideon Kracov
Governor's Appointee

Mayor Larry McCallon
Cities of San Bernardino County

Supervisor Holly J. Mitchell
County of Los Angeles

Veronica Padilla-Campos
Speaker of the Assembly Appointee

Supervisor V. Manuel Perez (Left the meeting at 9:40 a.m.)
County of Riverside

Councilmember Nithya Raman
City of Los Angeles

Councilmember Carlos Rodriguez
Cities of Orange County

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

Absent: Supervisor Andrew Do
County of Orange

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 9:07 a.m.

- Pledge of Allegiance: Led by Board Member Padilla-Campos
- Roll Call
Councilmember Rodriguez arrived at 9:12 a.m. and Board Member Padilla-Campos arrived at 9:13 a.m.
- Opening Comments

Vice Chair Cacciotti shared photos of recent meetings and events he attended: tour of a terminal at the Port of Long Beach; meetings with Steris and Bizfed; a community meeting in Rialto; and an electric leaf blower demonstration at a Boy Scout troop meeting.

Councilmember Solache acknowledged the South Coast AQMD Teamsters Local 911 members who were in the auditorium.

Mayor Lock Dawson announced that the City of Riverside finalized an agreement with the all-electric autonomous shuttle company Ohmio to move its international headquarters to Riverside and produce vehicles there.

Supervisor Perez acknowledged the Teamsters Local 911 members. The Teamsters had reached out to his office to request a meeting and he was looking forward to having a conversation with them. He also commented on the population and business growth of east Riverside County and emphasized the importance of balancing economic benefits with public health concerns.

Wayne Natri, Executive Officer, reported an impasse in the MOU negotiations with the railroads because staff would not agree to a condition imposed by one of the railroads; therefore, staff has pivoted back to the Indirect Source Rule. He announced that nominations are open for the 34th Annual Clean Air Awards, which will be held on April 5, 2024 at the Pacific Palms Hotel. He also reported that the only Board committee meetings being held this month are the Climate Change Committee and Investment Oversight Committee.

Chair Delgado remarked that she and Vice Chair Cacciotti had been elected to serve in their respective leadership positions effective February 2023 to fill unexpired terms (ending January 15, 2024). The current elections were being held for a two-year term.

- Election of Chair for Term January 2024 – January 2026

The floor was opened for nominations.

COUNCILMEMBER SOLACHE NOMINATED THE
CURRENT CHAIR, VANESSA DELGADO, AND
COUNCILMEMBER CACCIOTTI SECONDED THE
NOMINATION.

There being no further nominations and no objections, the nominations were closed.

THE BOARD VOTED UNANIMOUSLY TO RE-ELECT
SENTOR (RET.) DELGADO AS CHAIR FOR THE TERM
JANUARY 2024 THROUGH JANUARY 2026.

- Election of Vice Chair for Term January 2024 – January 2026

The floor was opened for nominations.

MAYOR LOCK DAWSON NOMINATED THE CURRENT
VICE CHAIR, MICHAEL A. CACCIOTTI AND
COUNCILMEMBER SOLACHE SECONDED THE
NOMINATION.

There being no further nominations and no objections, the nominations were closed.

THE BOARD VOTED UNANIMOUSLY TO RE-ELECT
COUNCILMEMBER CACCIOTTI AS VICE CHAIR FOR
THE TERM JANUARY 2024 THROUGH JANUARY 2026.

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.

The following South Coast AQMD employees, and Teamsters Local 911 and South Coast AQMD Professional Employees Association (SC-PEA) representatives commented on the ongoing labor negotiations and expressed their concerns regarding salaries, benefits, the high turnover rate, workload, and work-life balance for represented employees. They highlighted their commitment to the agency's mission and urged the Board to support their efforts for salary adjustments that reflect competitive compensation. For additional details, please refer to the [Webcast](#) at 21:05.

South Coast AQMD Employees on behalf of Teamsters 911

Viviana Mena
Robert Mena
Jessie Conway
William Brill
Jennifer Nessler

Sandra Garcia
Jacqueline Drainville
Vander Ferrer-Le
Arely Gil Rojas
Gina Lombardo
Aiden Thorp
Ray Whitmer, Teamsters 911 Representative

South Coast AQMD Employees on behalf of SC-PEA

Tris Carpenter, Labor Union Consultant to SC-PEA
Bettina Burleigh Sanchez
Wilton Mui
Gurpreet Mattu
Andrew Burris
Arieo Soltani
Vincent Mota
Brian Vlaisch

Former South Coast AQMD Employees

Randy Lam
Caleb Phillips
David Herman

(Supervisor Perez left the meeting at approximately 9:40 a.m.)

Kory Griggs, Indoor Weather Heating, Air & Refrigeration, Inc., commented on the ultra-low NOx furnaces required by South Coast AQMD's Rule 1111 - Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces. He emphasized the need for staff to enforce Rule 1111 and ensure that compliant furnaces are being installed in high-altitude communities. (Written Comments Submitted) For additional details, please refer to the [Webcast](#) at 1:04:30.

Board Member Kracov inquired about enforcement concerns and requested that staff look into how compliant units are functioning in high-altitude areas. Mr. Nastri acknowledged that there is an active ongoing investigation regarding this matter and NOV's have been issued. For additional details, please refer to the [Webcast](#) at 1:06:24.

Jerry Desmond, Cemetery and Mortuary Association of California, expressed concerns that cemeteries remain unable to purchase new crematories compliant furnaces that meet the NOx limits established in the May 2022 amendments to Rule 1147 – NOx Reductions from Miscellaneous Sources. For additional details, please refer to the [Webcast](#) at 1:08:31.

Mr. Nastri acknowledged that staff is aware of the situation and will continue to work with the trade association. Board Member Kracov extended an invitation for Mr. Desmond to call his office with any follow-up issues.

Mariam Moore, Sun Valley Park resident (Written Comments Submitted)
Hector Gonzalez, Sun Valley Park resident

Commented on complaints filed by residents over the last three years regarding dust, air pollution, odors, and noise from a recycling plant and other industries in the Sun Valley Park neighborhood. For additional details, please refer to the [Webcast](#) at 1:13:09 and 1:21:11.

Board Member Padilla-Campos commented on the need to address the issues in Sun Valley and ensure the community's concerns are heard. In response to Chair Delgado and Board Member Padilla-Campos, Mr. Nastri acknowledged there are some challenges in the complaint process and committed to conduct more outreach in that community. For additional details, please refer to the [Webcast](#) at 1:22:14.

Paola Vargas, East Yard Communities for Environmental Justice (EYCEJ), thanked staff for the recent decision to not move forward with the railyard MOU. She was hopeful that the recent decision will produce robust ISRs for new and existing railyards and discourage the Port MOU from moving forward. For additional details, please refer to the Webcast at 1:23:20.

Duncan McKee, Avocado Heights resident, asked whether the Board had been briefed on Quemetco's permit applications for a throughput increase and for hazardous waste disposal. He commented on the high cancer burden rate in communities located near Quemetco and the need to improve community engagement and coordination between DTSC and South Coast AQMD. For additional details, please refer to the [Webcast](#) at 1:24:53.

There being no further requests to speak, the Public Comment Period on non-agenda items was closed.

Written Comment Letters Submitted Regarding Rule 1111 – Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces

- Sean Gagen, Green Comfort
- Dan Seeley's Heating and Air Conditioning
- Jacob Straffin, Cantrell's Heating and Air Conditioning

CONSENT AND BOARD CALENDAR

Items 1 and 2 – Action Items/No Fiscal Impact

1. Approve Minutes of November 3, 2023 Board Meeting
2. Set Public Hearing January 5, 2024 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations:
Determine That Proposed Amended Rule 1180 – Fenceline and Community Air Monitoring for Petroleum Refineries and Related Facilities and Proposed Rule 1180.1 – Fenceline and Community Air Monitoring for Other Refineries Are Exempt from CEQA; Amend Rule 1180, Adopt Rule 1180.1, and Amend the Rule 1180 and Rule 1180.1 Fenceline Air Monitoring Plan Guidelines

Items 3 through 8 – Budget/Fiscal Impact

3. Appropriate Funds, Issue Solicitation and Purchase Orders to Meet Operational Needs for Rule 1180 Community Air Monitoring Program
4. Transfer and Appropriate Funds, Issue Solicitations and Purchase Orders for MATES VI
5. Issue Program Announcement and Execute Agreements for Zero-Emission Infrastructure Projects
6. Establish Special Revenue Fund, Recognize Revenue, Execute Contracts, and Reimburse General Fund to Demonstrate Fuel Cell Locomotive and Deploy Heavy-Duty Truck Charging and Fueling Infrastructure
7. Transfer and Appropriate Funds and Execute Sole Source Contract to Upgrade Fire Life Safety System at Headquarters Building
8. Appoint Medical Member to Hearing Board and Appoint Alternate Medical Member to Hearing Board

Items 9 through 16 – Information Only/Receive and File

9. Legislative, Public Affairs and Media Report
10. Report to Legislature and CARB on South Coast AQMD's Regulatory Activities for Calendar Year 2022
11. Hearing Board Report
12. Civil Filings and Civil Penalties Report
13. Intergovernmental Review of Environmental Documents and CEQA Lead Agency Projects
14. Rule and Control Measure Forecast
15. 2023 Annual Progress Report for AB 617 Community Emission Reductions Plans
16. Status Report on Major Ongoing and Upcoming Projects for Information Management

Items 17 through 23 – Reports for Committees and CARB

17. Administrative Committee
18. Legislative Committee
19. Mobile Source Committee
20. Stationary Source Committee
21. Technology Committee
22. Mobile Source Air Pollution Reduction Review Committee
23. California Air Resources Board Monthly Report
24. Items Deferred from Consent and Board Calendar
There were no items pulled.

Disclosures

Mayor McCallon reported that he had no financial interest in Agenda Item No. 6 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. 6 but is required to identify for the record that he is a member of the MSRC, which is involved in this item.

Board Member Kracov reported that he had no financial interest in Agenda Item No. 5 but is required to identify for the record that he is a Board Member for CARB, which is involved in this item.

The public comment period was opened for Agenda Item Nos. 1 through 23 and the following individuals addressed the Board.

Dawny'All Heydari, Pacific Environment (Written Comments Submitted/No. 14)
Fernando Gaytan, Earthjustice (Written Comments Submitted/No. 14)
Cristhian Tapia-Delgado, Pacific Environment and Long Beach resident
Laura Cortez, EYCEJ and Los Angeles resident
Cindy Donis, EYCEJ (Written Comments Submitted/No. 2)
Dori Chandler, Coalition for Clean Air
Lisa Lesparta, EYCEJ
Jan Victor Andasan, EYCEJ (Written Comments Submitted/No. 2)
Diego Mayen, Healthy Active Streets and EYCEJ

These speakers addressed Agenda Item Nos. 2, 5, and 14. For additional details, please refer to the [Webcast](#) beginning at 1:29:10. Comments include the following:

Agenda Item No. 2

- Expressed support for the Fenceline Monitoring Rule
- Disappointed that an exemption for refineries classified as having low emissions was added to PAR 1180 at the last minute; and requested that the exemption be removed from the draft proposal scheduled for release on December 5, 2023

Agenda Item No. 5

- Expressed appreciation for funding being allocated to solicit zero-emission infrastructure projects and that a portion of the funds will be set aside for projects that reduce emissions in low-income and disproportionately impacted areas
- Emphasized the need to consider only green hydrogen for funding

Agenda Item No. 14

- Commended the decision to pivot to rulemaking for railyards
- Urged for the Railyards and Ports ISR to be moved to early 2024 on the rulemaking calendar

Ranji George, a member of the public, commented on Agenda Item Nos. 4 and 5. He highlighted the funding disparities for hydrogen technology over the last 20 years and urged that more funds be allocated for these technologies. He questioned whether the staff decision to transfer funds from the Clean Fuels Program Fund to support the MATES VI program is appropriate. 1:37:05

Melanie Cohn, Biocom California - Comments moved under the public comment period for Agenda Item No. 25. For additional details, please refer to the [Webcast](#) at 1:48:50.

There being no further requests to speak, the public comment period was closed for Agenda Item Nos. 1 through 23.

Written Comment Letter Submitted Regarding Agenda Item No. 2 – Set Public Hearing for PAR 1180

- One letter signed by the following organizations: Oscar Espino-Padron, Earthjustice; Cindy Donis and Jan Victor Andasan, East Yard Communities for Environmental Justice

Written Comment Letter Submitted Regarding Agenda Item No. 5 – Issue Program Announcement and Execute Agreements for Zero-Emission Infrastructure Projects

- Adrian Martinez, Earthjustice

Written Comment Letter Submitted Regarding Agenda Item No. 14 – Rule Forecast Report

- One letter signed by the following organizations: Fernando Gaytan, Earthjustice; Ana Gonzalez, Center for Community Action and Environmental Justice; Sylvia Betancourt, Long Beach Alliance for Children with Asthma; Dawny'all Heydari, Pacific Environment; Kathleen Woodfield, San Pedro & Peninsula Homeowners Coalition; Yassi Kavezade, Sierra Club; and Theral Golden, West Long Beach Association

Vice Chair Cacciotti expressed support for Agenda Item No. 5 and requested that staff provide notice of the program announcement to the California Asian & Pacific Islander (API) Legislative Caucus. For additional details, please refer to the [Webcast](#) at 1:50:35.



Board Action (Items 1-23)

MOVED BY KRACOV TO APPROVE AGENDA ITEMS 1 THROUGH 23 AS RECOMMENDED AND RECEIVE AND FILE THE COMMITTEES, MSRC, AND CARB REPORTS.

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Hagman, Kracov, McCallon, Mitchell, Padilla-Campos, Raman, Rodriguez, and Solache

NOES: None
ABSTAIN: None
ABSENT: Do and Perez



PUBLIC HEARING

25. Determine That Proposed Amended Rule 1405 – Control of Ethylene Oxide Emissions from Sterilization and Related Operations, Is Exempt from CEQA; and Amend Rule 1405

Mike Krause, Assistant Deputy Executive Officer, Planning, Rule Development and Implementation, gave the staff presentation.

Supervisor Hagman inquired about the curtailment provision and commented that if implementation costs are too high, operators may opt to move operations outside of South Coast AQMD's jurisdiction. For additional details, please refer to the [Webcast](#) at 2:14:10.

Vice Chair Cacciotti inquired about the process to determine whether elevated EtO emission levels are coming from the facility and not from other sources. For additional details, please refer to the [Webcast](#) at 2:17:07.

Dr. Jason Low, Deputy Executive Officer/Monitoring and Analysis, explained that staff reviews air monitoring data and other available information to confirm that the EtO emissions are attributed to the facility before curtailment provisions being triggered. For additional details, please refer to the [Webcast](#) at 2:19:04.

Supervisor Mitchell and Councilmember Raman expressed support for the staff proposal and commended the extensive rulemaking process that resulted in consensus on a number of concerns. For additional details, please refer to the [Webcast](#) at 2:20:22

The public comment period was opened for Agenda Item No. 25 and the following individuals addressed the Board. For additional details, please refer to the [Webcast](#) beginning at 2:22:58.

Joe Hower, Sterigenics consultant
Kevin Wagner, Sterigenics
Sam Chung, California Life Sciences
Darbi Gottlieb, AdvaMed

Thanked staff for including changes to PAR 1405 to address certain concerns; however, they continue to be concerned with:

- Averaging time for the negative pressure requirements for the Permanent Total Enclosure, particularly during high wind events
- Use of fence-line monitoring for compliance and enforcement
- Impact of unintended consequences to the medical device supply chain

Chris Chavez, Coalition for Clean Air
Jane Williams, California Communities Against Toxics

- Expressed support for the staff proposal in its current form
- Continues to be concerned about EtO emissions from warehouses
- Emphasized the need to control warehouse emissions in the future
- Urged to move towards safer alternatives for EtO

Melanie Cohn, Biocom California, questioned the technical accuracy of fenceline monitoring data. For additional details, please refer to the [Webcast](#) at 1:48:50.

Mark Abramowitz, Community Environmental Services, expressed support for Ms. Jane Williams' comments and commented that increasing the averaging time is a weakening of the rule and appreciates the additional provisions for warehouses and monitoring requirements. For additional details, please refer to the [Webcast](#) at 2:35:18.

Felipe Aguirre, Maywood resident, expressed support for the adoption of PAR 1405 and highlighted the proximity of Sterigenics Vernon facility to Maywood Elementary School. He requested additional testing and fenceline monitoring to regulate warehouses. For additional details, please refer to the [Webcast](#) at 2:37:07.

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

- Written Comment Letter Submitted by: Rubina Suwol, California Safe Schools
(Received after hearing was closed.)

Mayor McCallon thanked staff for their hard work and working with stakeholders. He asked staff to address the request to change the wind speed threshold from 20 to 15 miles an hour and other industry concerns. For additional details, please refer to the [Webcast](#) at 2:38:11.

Jason Aspell, Deputy Executive Officer, Engineering and Permitting, explained that an exemption for high winds at 15 miles per hour would equate to exempting operators from the Permanent Total Enclosure requirements about 5 percent of the time based on weather data in the Los Angeles Basin. An exemption for high winds at 20 miles per hour is a more appropriate allowance for the proposed amended rule. For additional details, please refer to the [Webcast](#) at 2:40:00.

Mayor McCallon recognized that the extensive rulemaking process for PAR 1405 has resulted in a rule that industry can comply with and that will provide emission reductions. He urged fellow Board Members to support the proposed amendments. For additional details, please refer to the [Webcast](#) at 2:44:33.

Councilmember Rodriguez asked for clarification about the interim measure to monitor fenceline EtO levels near the sterilization facility until the permanent CEMS or SCEMS (Continuous or Semi-Continuous Monitoring Systems) is in place. For additional details, please refer to the [Webcast](#) at 2:45:10.

Mr. Nastri explained that once the CEMS has been fully commissioned, and approved by staff then the fenceline monitoring can be removed. There is a 60-day period, to demonstrate that the CEMS and fenceline data are in alignment before the fenceline monitors are removed.

Councilmember Rodriguez commented on the socioeconomic report and confirmed that the total compliance cost for all affected facilities across the region is a little over \$4 million. He also highlighted that 50 plus jobs will be lost and emphasized the need to be sensitive to jobs being lost and unintended consequences. For additional details, please refer to the [Webcast](#) at 2:51:25.

Councilmember Solache expressed support for PAR 1405 and thanked his colleagues for allowing the additional time that was needed in this rulemaking process to address concerns and come up with solutions for everyone. For additional details, please refer to the [Webcast](#) at 2:53:43.

Supervisor Hagman expressed support for the proposal and commented on testimony regarding concerns with the implementation of PAR 1405 and Rule 1111. He emphasized the need to develop a process to periodically measure the performance of regulations that would consider the impact of the rule; whether changes to technology, science or the market have affected the rule; whether the intended goals have been achieved; and whether adjustments to the rule are needed. Chair Delgado agreed and inquired about a process to assess the implementation of PAR 1405. For additional details, please refer to the [Webcast](#) at 2:54:56.

Mr. Nastri committed to reporting back to the Stationary Source Committee within the year and bring any recommendations back to the Board. For additional details, please refer to the [Webcast](#) at 2:56:24.

Board Member Padilla-Campos expressed appreciation to staff for working with all parties to protect public health and to also ensure that industry can comply with the rule requirements. For additional details, please refer to the [Webcast](#) at 3:01:27.

Supervisor Mitchell expressed support for the recommendation to have adopted rules and regulations go back to the committee of origin for status updates. For additional details, please refer to the [Webcast](#) at 3:03:33.



MOVED BY MCCALLON, SECONDED BY MITCHELL TO APPROVE AGENDA ITEM NO. 25 AS RECOMMENDED TO ADOPT RESOLUTION NO. 23-24:

1. DETERMINING THAT PROPOSED AMENDED RULE 1405 – CONTROL OF ETHYLENE OXIDE EMISSIONS FROM STERILIZATION AND RELATED OPERATIONS IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND
2. AMENDING RULE 1405 – CONTROL OF ETHYLENE OXIDE EMISSIONS FROM STERILIZATION AND RELATED OPERATIONS

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Hagman, Kracov, McCallon, Mitchell, Padilla-Campos, Raman, Rodriguez, and Solache

NOES: None

ABSTAIN: None

ABSENT: Do and Perez



CLOSED SESSION

The Board recessed to closed session at 12:05 p.m., pursuant to Government Code sections:

- 54956.9(a) and 54956.9(d)(1) to confer regarding pending litigation
South Coast Air Quality Management District v. EPA, U.S. District Court for the Central District of California, Case No. 2:23-cv-02646; and
East Yard Communities for Environmental Justice, et al. v. South Coast Air Quality Management District, the Governing Board of the South Coast Air Quality Management District, the California Air Resources Board, and Does 1 through 25, Inclusive, U.S. District Court for the Central District of California, Case No. 2:23-cv-06682.
- 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: 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 filed with the Clerk of the Boards.

ADJOURNMENT

There being no further business, the meeting was adjourned by General Counsel Bayron Gilchrist at 12:53 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on December 1, 2023.

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
CEQA = California Environmental Quality Act
DTSC = Department of Toxic Substances Control
EtO = Ethylene Oxide
FY = Fiscal Year
ISR = Indirect Source Rule
MOU = Memorandum of Understanding
MSRC = Mobile Source Air Pollution Reduction Review Committee
PAR = Proposed Amended Rule