

BOARD MEETING DATE: April 4, 2014

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the March 7, 2014 meeting.

RECOMMENDED ACTION:

Approve Minutes of the March 7, 2014 Board Meeting.

Sandra McDaniel,  
Clerk of the Boards

SM:ar

---

**FRIDAY, MARCH 7, 2014**

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

Mayor Dennis R. Yates, Vice Chairman  
Cities of San Bernardino County

Supervisor Michael D. Antonovich (arrived at 9:25 a.m.)  
County of Los Angeles

Mayor Pro Tem Ben Benoit  
Cities of Riverside County

Councilmember Joe Buscaino  
City of Los Angeles

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

Supervisor Josie Gonzales  
County of San Bernardino

Dr. Joseph K. Lyou  
Governor's Appointee

Mayor Judith Mitchell  
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson (arrived at 9:15 a.m.)  
County of Orange

Dr. Clark E. Parker, Sr.  
Senate Rules Committee Appointee

Mayor Miguel A. Pulido (arrived at 9:15 a.m. and left at 10:10 a.m.)  
Cities of Orange County

Members Absent:

Supervisor John J. Benoit  
County of Riverside

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

- Pledge of Allegiance: Led by Supervisor Gonzales
- Opening Comments

Councilman Buscaino. Informed the Board of the Great March for Climate Action Colleagues that was kicked off at the Port of Los Angeles in Wilmington on March 1<sup>st</sup>. Marchers will ultimately complete the 3000 miles to Washington D.C to deliver a message to the legislative and executive branches addressing the need for action to solve the climate crisis. He also encouraged monitoring and following the March by visiting the website [Climatemarch.org](http://Climatemarch.org).

Councilman Cacciotti. Expressed his appreciation to staff for putting together his presentation for the City of Pomona Council meeting last week. He further demonstrated how he attended two events that week using the mass transit system; and commented on how well the mass transit system is developing in our basin.

Dr. Lyou. Announced that on February 26<sup>th</sup> he attended an event in Wilmington, where the Coalition for a Safe Environment was showcasing their community-based monitoring device. He informed the Board that the LA Times wrote a story about the event and indicated that he expects that more personal and community-based monitoring devices will be used as the cost becomes less expensive, which may lead to our agency becoming involved in terms of data, reliability, accuracy, interpretation and what it all means, as the public becomes personally involved in air quality monitoring.

Councilman Buscaino, as a follow-up to Dr. Lyou's comments, encouraged the use of technology, by developing and exchanging apps, indicating that we need to find every effort to make it easier for residents to use technology to monitor air quality.

Dr. Barry R. Wallerstein, Executive Officer. Acknowledged and congratulated Dr. Raul Dominguez of SCAQMD, who has been notified that he will receive an American Society for Testing and Materials (ASTM) International Award of Merit. The Award of Merit is the highest award granted to an individual who has provided distinguished service and outstanding participation.

Chairman Burke, on behalf of the Board, extended congratulations to Dr. Dominguez on receiving such a prestigious award.

(Mayor Pulido and Supervisor Nelson arrived at 9:15 a.m.)

Mayor Pulido. Informed the Board that he travelled to Phoenix on behalf of SCAQMD, meeting with other mayors from around the country to discuss air quality issues in their areas. He mentioned the Mayor of Sacramento is heading up a task force where they are trying to link education, health care and air quality as a direct

connection to functioning in a healthy manner. He also requested that the agency reach out to UC Irvine Medical Center, which is using technology to assist in self-diagnosis.

- Swearing In of Reappointed Board Member(s)

Chairman Burke administered the oath of office to Shawn Nelson, who was reappointed to the Board by the Orange County Board of Supervisors, for a term ending January 15, 2018.

-0-

The Board took the Public Comment Period out of order and the following individuals addressed the Board.

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

**Dr. Tom Williams**, commented on an odor complaint made recently pertaining to the Murphy oil field site. An SCAQMD inspector went out, inspected and determined that a violation had not occurred, as the violation level for methane is 50,000 parts per million (ppm). He further explained that 50,000 ppm for methane is the lower explosive level, which means you are in danger. He urged for a response to the public records act request that was submitted for Rule 1173 for the Murphy site, the Jefferson site, and a couple more sites.

**David Englin**, Los Angeles County Business Federation (BizFed) and the Southern California Business Coalition, requested a seat at the table in addressing white papers that specifically address business and economic issues in preparing the 2016 AQMP. He also stated that the Ports are a clean air success story and feels that the proposed Port Backstop Rule is unnecessary and counterproductive. He request returning the Ports to the voluntary and collaborative structure of the past.



Dr. Wallerstein responded that BizFed actually sits on the AQMP Working Group. In regard to the backstop rule, this is actively being worked on, and SCAQMD staff will be working with BizFed and other interested stakeholders to bring it to the Board later this year. As for the Murphy Field, Senator Mitchell held a town hall meeting recently, in which he participated, at her request, on behalf of SCAQMD. A member of the audience thanked him for the work of SCAQMD staff, stating that she has received a response on her public records request and that an inspector came out after hours and responded to a complaint, and then went over his investigative findings with her. Staff has some best management practices for oil fields that they plan to propose later this year.

-0-

## **CONSENT CALENDAR**

1. Minutes of February 7, 2014 Board Meeting
2. Set Public Hearings April 4, 2014 to:
  - (A). Amend Rule 1130 – Graphic Arts
  - (B). Receive Public Input on Executive Officer’s Draft Goals & Priority Objectives for FY 2014-15

### **Budget/Fiscal Impact**

3. Amend Contracts to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
4. Execute Contract to Upgrade Existing Hydrogen Fueling Infrastructure 
5. Execute Contract to Upgrade Natural Gas Fueling Station 
6. Adopt Resolution Recognizing Funds and Accepting Terms and Conditions for FY 2013-14 Carl Moyer Program Award, Issue Program Announcement for Carl Moyer Program and SOON Provision, and Execute and Amend Contracts
7. Execute Contracts for Technical Assistance for Advanced, Low- and Zero-Emission Mobile and Stationary Source Control Technologies and Implementation of Incentive Programs
8. **This item was withdrawn by staff**
9. Recognize Revenue and Appropriate Funds for Near Road Monitoring Program and Issue Purchase Orders for Air Monitoring Equipment
10. Transfer Funds and Amend/Execute Contracts with Outside Counsel
11. Approve SCAQMD Annual Investment Policy and Delegation of Authority to Appointed Treasurer to Invest SCAQMD Funds

### **Items 12 through 19 – Information Only/Receive and File**

12. Legislative & Public Affairs Report
13. Hearing Board Report
14. Civil Filings and Civil Penalties Report
15. Lead Agency Projects and Environmental Documents Received by SCAQMD

16. Rule and Control Measure Forecast
17. Report of RFPs and RFQs Scheduled for Release in March
18. FY 2013-14 Contract Activity
19. Status Report on Major Projects for Information Management Scheduled to Start During Last Six Months of FY 2013-14

Dr. Lyou announced his abstention on the following items involving contracts with those who have made charitable contributions to his employer, Coalition for Clean Air: on Agenda Item No. 5, because UPS is a potential source of income and is materially affected by this Item; and on Agenda Item No. 7, as Gladstein, Neandross and Associates is a potential source of income materially affected by this item.

Mayor Mitchell announced that, while she was not required to recuse herself from Item No. 6, she wanted to note for the record that she is a Board Member of District 5 and the South Bay Cities District for the Los Angeles County Sanitation District, which is one of the proposed contractors.

Agenda Items Nos. 2B, 4, 7 and 16 were withheld for comment and discussion.

MOVED BY CACCIOTTI, SECONDED BY  
B. BENOIT AGENDA ITEMS 1 THROUGH 19,  
EXCEPT ITEMS 2B, 4, 7, AND 16, APPROVED AS  
RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, Burke,  
Buscaino, Cacciotti, Gonzales,  
Lyou (except #5), Mitchell, Nelson,  
Parker, Pulido, and Yates.

NOES: None.

ABSTAIN: Lyou (Item #5 Only).

ABSENT: J. Benoit.

20. Items Deferred from Consent Calendar

- 2B. Set Public Hearings April 4, 2014 to Receive Public Input on Executive Officer's Draft Goals & Priority Objectives for FY 2014-15

The following individual addressed the Board on Agenda Item No. 2B.

DR. TOM WILLIAMS, Sierra Club Angelus Chapter

Requested that SCAQMD upgrade its public communication process by using more electronic and digital online technology rather than personal appearances and the use of paper to conduct meetings.

Chairman Burke agreed that having the ability to use electronic and digital technology is good; but that there are two sides, and that paper, in some instances, can be an asset.

Dr. Wallerstein made note that the Board meeting is webcasted and if there are set hearing items, then it is posted on the agency web page. Paper copies are supplied for those without computers and in making copies available in accordance with the law. He further responded that the agency does use social media and will advertise on social media so that we can bring back information to the Board next month.

4. Execute Contract to Upgrade Existing Hydrogen Fueling Infrastructure 

Councilman Cacciotti asked about the status of the hydrogen fueling facility at Cal State LA, and how the hydrogen is provided.

Dr. Miyasato responded that the hydrogen station at Cal State LA did have problems with pressure surges, but they are now coming online. As far as where the hydrogen comes from, it is both produced through steam reformation onsite and through the pipeline located in Torrance.

7. Execute Contracts for Technical Assistance for Advanced, Low- and Zero-Emission Mobile and Stationary Source Control Technologies and Implementation of Incentive Programs

The following individual addressed the Board on Agenda Item No. 7.

DR. TOM WILLIAMS, Sierra Club Angelus Chapter

Mentioned that the goods movement at the Ports is primarily by truck, which this agency is trying to get down to zero emissions, but suggests that the rail system would be a more efficient way to move the goods.

16. The following individual addressed the Board on Agenda Item No. 16.

DR. TOM WILLIAMS, Sierra Club Angelus Chapter

---

Asked about the status on monitoring for Rule 1148.2, and recommended having a hearing on the rule.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEMS 2B, 4, 7, AND 16 APPROVED BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou (except #7), Mitchell, Nelson, Parker, Pulido and Yates.

NOES: None.

ABSTAIN: Lyou (Item #7 Only).

ABSENT: J. Benoit.

**BOARD CALENDAR**

21. Administrative Committee
22. Investment Oversight Committee
23. Legislative Committee
24. Mobile Source Committee
25. Stationary Source Committee
26. California Air Resources Board Monthly Report

MOVED BY GONZALES, SECONDED BY NELSON, AGENDA ITEMS 21 THROUGH 26 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE BOARD COMMITTEES AND CARB REPORT, AND ADOPTING THE POSITIONS ON LEGISLATION AS SET FORTH BELOW, BY THE FOLLOWING VOTE:



AYES: Antonovich, B. Benoit, Burke, Buscaino, Caccoitti, Gonzales, Lyou, Mitchell, Nelson, Parker, Pulido and Yates.

NOES: None.

ABSENT: J. Benoit.

<b>Agenda Item</b>	<b>Recommended Action</b>
H.R. 3963 (Huffman) Federal Leadership in Energy Efficient Transportation (FLEET) Act of 2014	Support and Recommend Amendment

## **PUBLIC HEARINGS**

- 27A. Amend Rule 1420.1 – Emissions Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities
- 27B. Execute Contract and Rental Agreement for Rule 1420.1 Multi-Metals CEMS and Continuous Multi-Metals Ambient Air Monitoring Demonstration Programs

Susan Nakamura, Director of Strategic Initiatives, gave the staff presentation. She noted an errata sheet modifying the Resolution language; copies were provided to Board Members and made available to the public.

Dr. Lyou asked if the data noted on the errata sheet being collected and made available to the facility will be available to the public at the same time. General Counsel answered in the affirmative.

Mayor Mitchell inquired as to what the next step will be, as this is a demonstration project with a finite duration.

Dr. Wallerstein responded that it depends on the results of the demonstration. The in-stack monitoring is to provide the facility with immediate feedback so that if adjustments are needed they can be done quickly. The side-by-side monitoring will be compared with the traditional monitor, which does not give a real-time measurement.

The public hearing was opened and the following individuals addressed the Board on Agenda Items 27A and 27B.

DELORES MEJIA, Eastside Coalition Against Exide Toxic Technologies

Expressed support for the recommendations that were presented, although she indicated that she did not understand why this agency should be required to fund a test that would assist the community in regulating these polluters. However, she felt that this might be beneficial, as it may make the regulating process more rigorous. She also wanted to submit a formal grievance against Jeff Parker, the lead legal counsel for Exide Technologies, for an altercation that occurred on February 6, 2014 at the Order for Abatement hearing before the Hearing Board.

Dr. Wallerstein responded that he would look into the matter and get back to the Board.

Supervisor Nelson remarked that it was a matter for the Police to handle.

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

MOVED BY YATES, SECONDED BY  
CACCIOTTI, AGENDA ITEMS 27A AND 27B  
APPROVED, AS RECOMMENDED BY STAFF:

1) ADOPTING RESOLUTION NO. 14-5  
CERTIFYING THE CEQA NOTICE OF  
EXEMPTION AND AMENDING RULE 1420.1,  
WITH THE MODIFICATION TO THE  
RESOLUTION LANGUAGE AS STATED IN THE  
ERRATA SHEET AND SET FORTH BELOW;

2) ESTABLISHING A RULE 1420.1 SPECIAL  
REVENUE FUND;

3) RECOGNIZING UPON RECEIPT UP TO  
\$413,451 FROM EXIDE TECHNOLOGIES AND  
QUEMETCO, INC., INTO THE RULE 1420.1  
SPECIAL REVENUE FUND;

4) AUTHORIZING THE CHAIRMAN TO  
EXECUTE A CONTRACT WITH COOPER  
ENVIRONMENTAL SERVICES, LLC TO  
CONDUCT A DEMONSTRATION PROGRAM  
FOR A MULTI-METALS CEMS IN AN AMOUNT  
NOT TO EXCEED \$413,451 FROM THE RULE  
1420.1 SPECIAL REVENUE FUND;

5) TRANSFERRING \$71,000 FROM THE SALARIES ACCOUNT, SALARIES AND EMPLOYEE BENEFITS MAJOR OBJECT TO THE RENTS AND LEASES EQUIPMENT ACCOUNT, SERVICES AND SUPPLIES MAJOR OBJECT IN THE FY 2013-14 SCIENCE AND TECHNOLOGY ADVANCEMENT ADOPTED BUDGET; AND

6) AUTHORIZING THE CHAIRMAN TO EXECUTE A RENTAL AGREEMENT TO DEMONSTRATE A CONTINUOUS MULTI-METALS AMBIENT AIR MONITORING SYSTEM WITH COOPER ENVIRONMENTAL SERVICES, LLC FOR AN AMOUNT NOT TO EXCEED \$71,000 FROM THE SCIENCE AND TECHNOLOGY ADVANCEMENT BUDGET, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Nelson, Parker, Pulido, and Yates

NOES: None.

ABSENT: J. Benoit.

Modify the Resolution by adding the ***bold italic single underlined*** language as follows:

***BE IT FURTHER RESOLVED, the SCAQMD Governing Board directs staff to provide data collected from the multi-metals CEMS to each facility as it becomes available, and as preliminary results regarding the efficacy of the CEMS becomes available, to provide this information to each facility and other stakeholders, and to*** report back to the Stationary Source Committee within three months of completion of the CEMS demonstration program on preliminary results; and

(Mayor Pulido left at 10:10 a.m.)

28. Annual RECLAIM Audit Report for 2012 Compliance Year

Mohsen Nazemi, DEO/Engineering and Compliance, gave the staff presentation. He noted an errata sheet recommending revisions to the Board

Letter and Annual RECLAIM Audit Report for 2012 Compliance Year to change the number of NOx facilities which exceeded their NOx allocations from twelve (12) to thirteen (13), however, this did not change the overall findings and conclusions of the report, demonstrating that the RECLAIM program met its programmatic emission goals and requirements.. Copies of the errata sheet were distributed to Board Members and made available to the public.

The public hearing was opened; and there being no requests from the public to comment on this item, the public hearing was closed.

Dr. Lyou commented that the report states that 95 percent of the facilities are in compliance for NOx, and asked staff if there is any way to achieve an even higher compliance rate.


Mr. Nazemi answered that in almost every case, noncompliance is due to a calculation error in the use of an emission factor or missing data provisions that would have been difficult to anticipate or prevent because it is only discovered at the end of the year, when the audit is done. However, the facilities are informed about the results of the audit, so they are aware of the reason(s) for exceedance to prevent it from happening again.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM NO. 28 APPROVED AS RECOMMENDED BY STAFF, WITH THE REVISIONS TO THE BOARD LETTER AND THE AUDIT REPORT TO CHANGE THE NUMBER OF NOx FACILITIES WHICH EXCEEDED THEIR NOx ALLOCATIONS FROM TWELVE (12) TO THIRTEEN (13) AS STATED IN THE ERRATA SHEET, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Nelson, Parker, and Yates.

NOES: None.

ABSENT: J. Benoit and Pulido.

29. Approve and Adopt Technology Advancement Office Clean Fuels Program Annual Report and Plan Update, Resolution and Revised Membership of Clean Fuels Advisory Group 

Matt Miyasato, DEO/Science and Technology Advancement, gave the presentation.

The public hearing was opened; and there being no requests from the public to comment on this item, the public hearing was closed.

Mayor Yates expressed his belief that less money should go to electric technology and more to natural gas and hydrogen fuel technologies, as Southern California Edison (SCE) does not partner with SCAQMD in promoting electric technology.

Dr. Parker asked if the agency and others would make the 68 hydrogen- fuel-station goal of 2015, to which Dr. Miyasato responded that those stations are funded and stations will be coming online in 2015, but the 68-station goal will likely be achieved in the 2016-17 time frame.

Dr. Wallerstein added that the hydrogen fuel cell vehicles will be introduced later this year by manufacturers and that the agency is working aggressively to ensure the fueling infrastructure is in place, as this is a high priority for the Energy Commission as well.

In response to Dr. Lyou, Dr. Miyasato clarified that the PUC has prohibited SCE from owning and operating hardware associated with electric vehicles. However, there are others, private companies and other utilities that are responding proactively.

Dr. Wallerstein stated that there are many organizations involved that have funding and jurisdiction or other roles, such as the CEC and the PUC. However, these entities have their priorities, and some of the lack of movement on their part is based on what they see as their critical function. There is, therefore, a need for a discussion, because the vehicles are here and the need to charge them is here.

Mayor Yates and Supervisor Antonovich commented that the problem is not just the electric vehicle charging stations, but that SCE fails to be a good partner, citing SCE's lack of involvement and their poor communication and customer service record.

Councilman Cacciotti stated that there will be many benefits for the residents and consumers in our basin with the upcoming advancements in battery storage.

Chairman Burke agreed, pointing out that once battery storage is improved and the range extended, there will not be a need for charging stations on each corner, as with gas stations.

Supervisor Gonzales encouraged proposing to SCE in regard to their vision plan for the future that they include local governments and cities that are working on their general plan updates and community development plans.

Mayor Pro Tem Benoit offered that there is a 300-member SCE office in his city, and these members are working hard to get an electric charging station at their facility. He further stated that he is on their government advisory panel, and they have a lot of concerns and feel as though they are boxed-in. Technology today shows that we need the charging stations now; but as technology advances and as we move toward the next step, which is hydrogen, we may not need as many charging stations.

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

MOVED BY BENOIT, SECONDED BY LYOU,  
AGENDA ITEM 29 APPROVED AS  
RECOMMENDED BY STAFF: 1) ADOPTING  
RESOLUTION NO. 14-6, APPROVING THE  
TECHNOLOGY ADVANCEMENT OFFICE  
ANNUAL REPORT FOR 2013 AND ADOPTING  
THE TECHNOLOGY ADVANCEMENT OFFICE  
CLEAN FUELS PROGRAM PLAN UPDATE FOR  
2014; AND 2) APPROVING THE MEMBERSHIP  
CHANGES TO THE CLEAN FUELS ADVISORY  
GROUP AND RECEIVING AND FILING  
MEMBERSHIP CHANGES TO THE  
TECHNOLOGY ADVANCEMENT ADVISORY  
GROUP, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, Burke,  
Buscaino, Cacciotti, Gonzales, Lyou,  
Mitchell, Nelson, and Parker.

NOES: Yates.

ABSTAIN: None.

ABSENT: J. Benoit and Pulido.

## **OTHER BUSINESS**

30. Approval of Corrected Minutes of December 6, 2013 Board Meeting

MOVED BY YATES, SECONDED BY LYOU,  
AGENDA ITEM NO. 30 APPROVED AS  
RECOMMENDED BY STAFF, BY THE  
FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, Burke,  
Buscaino, Cacciotti, Gonzales, Lyou,  
Mitchell, Nelson, Parker, and Yates.

NOES: None.

ABSENT: J. Benoit and Pulido.

**CLOSED SESSION - (No Written Material)**

The Board recessed to closed session at 11:00 a.m. pursuant to Government Code sections 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 District is a party. The actions are:

- Exide Technologies, Inc v. SCAQMD, et al v., Los Angeles Superior Court Case No. 3BC146770;
- People of the State of California, ex rel South Coast AQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528;
- Petition for Declaratory Order by U.S. Environmental Protection Agency, Surface Transportation Board Docket No. FD 35803 (Railroad Rules);

Following closed session, General Counsel Kurt Wiese announced that there were no reportable actions taken in closed session.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by the General Counsel at 11:50 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on March 7, 2014.

Respectfully Submitted,

Altheresa Rothschild  
Acting Senior Deputy Clerk

Date Minutes Approved: \_\_\_\_\_

\_\_\_\_\_  
Dr. William A. Burke, Chairman

---

**ACRONYMS**

CARB = California Air Resources Board  
CEC = California Energy Commission  
CEQA = California Environmental Quality Act  
ERC = Emission Reduction Credit  
FY = Fiscal Year  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
NOx = Oxides of Nitrogen  
PM = Particulate Matter  
PUC = Public Utilities Commission